

CITY AND COUNTY OF HONOLULU

**HONOLULU HIGH-CAPACITY TRANSIT
CORRIDOR PROJECT**

**WEST O‘AHU/FARRINGTON HIGHWAY
GUIDEWAY DESIGN-BUILD CONTRACT**

REQUEST FOR PROPOSALS

NO. RFP-DTS-0900015

QUESTIONS RELATING TO THIS SOLICITATION, CONTACT:

**DIVISION OF PURCHASING
530 SOUTH KING STREET, ROOM 115
HONOLULU, HAWAII, 96813
transitmailbox@honolulu.gov**

**NOTICE OF REQUEST FOR PROPOSALS
FOR
HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT
WEST O‘AHU/FARRINGTON HIGHWAY GUIDEWAY DESIGN-BUILD CONTRACT
REQUEST FOR PROPOSAL NO. RFP-DTS-0900015
CITY AND COUNTY OF HONOLULU**

This Solicitation is being conducted in two parts. SEALED PROPOSALS responding to Part 1 will be accepted up to 4:00 p.m., HST on March 13, 2009, in the office of the Division of Purchasing, Department of Budget and Fiscal Services, City Hall, 530 South King Street, Room 115, Honolulu, Hawai‘i, 96813.

Pursuant to Chapter 103D-303.5 of the Hawai‘i Revised Statutes, a pre-proposal conference will be held for construction or design-build projects with a total estimated value of \$500,000 or more. The pre-proposal conference will be held at 1:30 pm, February 18, 2009, at the Neal S. Blaisdell Center, Hawai‘i Suite, Honolulu, HI. All potential interested Offerors, subcontractors, and union representatives are invited to attend.

Form of Proposal may be obtained from said Division of Purchasing upon application for Request for Proposal No. RFP-DTS-0900015.

WENDY K. IMAMURA
Purchasing Administrator
For Director of Budget and Fiscal Services
By order of MUFI HANNEMAN, Mayor
City and County of Honolulu

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INSTRUCTIONS TO OFFERORS

1.0 PROJECT OVERVIEW

This Request for Proposals (RFP) is issued by the City and County of Honolulu (the “City”) to identify Persons qualified to submit competitive proposals for the West O‘ahu/Farrington Highway Guideway Design-Build Contract (DB Project), the first segment of the Honolulu High-Capacity Transit Corridor Project (HHCTCP).

2.0 ABBREVIATIONS

BFS	Department of Budget and Fiscal Services, City and County of Honolulu
CD	Compact Disc
CFR	Code of Federal Regulations
DB	Design-Build
DBE	Disadvantaged Business Enterprise
DTS	Department of Transportation Services, City and County of Honolulu
FTA	Federal Transit Administration
GCDB	General Conditions Design-Build
HAR	Hawai‘i Administrative Rules
HHCTCP	Honolulu High-Capacity Transit Corridor Project
HRS	Hawai‘i Revised Statutes
HST	Hawai‘i Standard Time
JV	Joint Venture
LLC	Limited Liability Company
LLP	Limited Liability Partnership
MSF	Maintenance and Storage Facility
NTP	Notice to Proceed
PI	Public Information
QA	Quality Assurance
QC	Quality Control
RFP	Request for Proposals
RFP Part 1	Request for Qualifications Proposals
RFP Part 2	Request for Technical and Price Proposals
RTD	Rapid Transit Division, Department of Transportations Services, City and County of Honolulu
UH	University of Hawai‘i

3.0 DEFINITIONS

The terms have the same meaning throughout this instrument as stated below, unless specifically stated otherwise or clearly inappropriate in the context. Other terms that are defined in the Hawai‘i Public Procurement Code (Code) and the Hawai‘i Administrative Rules (HAR) have the same meaning throughout this instrument as stated in the Code and HAR, unless specifically stated otherwise or clearly inappropriate in the context.

“**Addendum**” means a written document issued by the Division of Purchasing during the Proposal period, involving changes to the RFP, which will be considered and made a part of the RFP and Contract.

“**Affiliate**” means any Person that: (1) directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with the following:

- A) The Design-Builder; or
- B) Any Principal Participant; or

(2) holds 10% or more of the equity interest, directly or indirectly, beneficially or of record, by the following:

- C) The Design-Builder;
- D) Any Principal Participant; or
- E) Any Affiliate of the Design-Builder under part (1) of this definition.

For purposes of this definition, the term “control” means the possession, directly or indirectly, of the power to cause the direction of the management of a Person, whether through voting securities, by contract, by family relationship, or otherwise.

“**Agreement**” means Contract.

“**Award**” means the written notification of the City’s acceptance of a Proposal, or the presentation of a Contract to the selected Offeror.

“**Best Value**” means the most advantageous Proposal determined by evaluating and comparing all relevant criteria in addition to price so that the Proposal meeting the overall combination that best serves the City is selected. These criteria may include, in addition to others, the total cost of ownership, performance history of vendor, quality of goods, services, or construction, delivery, and proposed technical performance.

“**Casting Yard Subcontractor**” means the Subcontractor (if necessary) that provides pre-cast segments and/or other pre-cast Materials to the Design-Builder.

“**Chief Procurement Officer**” means Director of BFS.

“**City**” means the City and County of Honolulu, State of Hawai‘i.

“**Code of Federal Regulations**” means the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government.

“**Contract**” means all documents covering the construction of the DB Project and services in connection therewith for which Award is made to the Design-Builder, including the furnishing of labor, materials, and equipment in connection therewith. It includes the RFP, final Proposal, the list of Subcontractors, the wage schedule, general instructions to Offerors, special provisions, special notice to Offerors or special instructions to Offerors, the bonds, the specifications, the plans, the GCDB, and any documents or publications, addenda, amendments and change orders, whether attached to or incorporated by reference.

“**Contract Administrator**” means the DTS Second Deputy Director, who is the person designated to manage the various facets of the Contract to ensure the Design-Builder’s total performance is in accordance with the Contractual commitments and that obligations to the City are fulfilled.

“**DB Project**” means Work to be performed as set forth in the Contract, including furnishing all design, services, labor, goods, materials, supplies, equipment and other incidentals reasonably necessary for the successful completion of Work contemplated under the Contract.

“Design and Plans” means any and all designs, plans, construction drawings, specifications, cost estimates, work schedules, Proposals, studies, reports, and other items.

“Design Specifications” means the dimensional and other physical requirements of the item being purchased and how a product is to be fabricated or constructed.

“Design-BUILDER” means the Person selected pursuant to the RFP that enters into the Contract with the City to design and construct the DB Project.

“Designer” means a Principal Participant, specialized Subcontractor, or in-house designer that leads the team furnishing or performing the design of the DB Project.

“Discussion” means an exchange of information to promote understanding of the City’s requirements and Offeror’s Proposal and to facilitate arriving at a Contract that will be the Best Value to the City.

“Federal Transit Administration” means the current designation for the former Urban Mass Transportation Administration, United States Department of Transportation. Any reference in any law, map, regulation, document, paper, or other record of the United States to the Urban Mass Transportation Administration or its acronym UMTA is deemed a reference to the Federal Transit Administration.

“General Conditions Design-Build” means the General Conditions for Design-Build Contracts for the City and County of Honolulu which will be available at the following website www.honolulu.gov/pur/index.htm.

“Guarantor” means the Person assuming responsibility for the tangible net worth deficit or financing deficit obligations of the Offeror, as required by the Contract.

“Notice(s) to Proceed” means the document(s) issued to the Design-BUILDER designating the official commencement date(s) of the performance under the Contract.

“Offer” means Proposal.

“Offeror” means any Person submitting directly or through a duly authorized representative or agent, a Proposal in response to this Solicitation.

“Opening” means the date set for opening of Proposals.

“Performance Specifications” means the functional or performance requirements of the item, what a product does, and how well it performs.

“Person” means any individual, firm, corporation, company, LLC, LLP, joint venture, voluntary association, partnership, trust, or public or private organization, other legal entity, or combination thereof.

“Principal Participant” means any of the following entities:

- A) The Offeror;
- B) An individual firm, all general partners, or joint venture members of the Offeror; and/or
- C) All Persons and legal entities holding (directly or indirectly) a 15% or greater interest in the Offeror.

“Priority List” means the list of those Offerors who: 1) have submitted a Qualifications Proposal in response to the RFP, and 2) that the City determines acceptable or potentially acceptable. If more than four acceptable or potentially acceptable Proposals have been submitted, it will be limited through evaluation and ranking to no more than four responsive and responsible Offerors who submitted the highest-ranked Proposals.

“Proposal” means the executed document submitted by an Offeror in response to the RFP. With respect to RFP Part 1, this means the Qualifications Proposal, and with respect to RFP Part 2, the Technical and Price Proposal.

“Proposal Due Date” means the time and date announced for receipt of Proposals or best and final offers by the Priority-Listed Offerors.

“Qualifications Proposal” means the information prepared and submitted by an Offeror in response to the RFP Part 1.

“Quality Control Engineering Firm” means an independent engineering/testing firm employed by the Design-Builder responsible for administering and managing the construction QC inspection, sampling and testing specified in the Contract Documents. The QC Engineering Firm shall not be owned in any part or controlled by any Principal Participant, or by any construction Subcontractor. The Designer or a firm associated with or subsidiary to the Designer, may serve as the QC Engineering Firm, except any Designer who is a Principal Participant or any Designer (or subsidiary of a Designer) that is an Affiliate of any Principal Participant or construction Subcontractor shall not serve in the capacity of the QC Engineering Firm.

“Request for Proposals” means all documents, whether attached or incorporated by reference, used for soliciting Proposals under the Competitive Sealed Proposal source selection method.

“Responsible Offeror” means a Person who has the capability in all respects to perform fully the Contract requirements and the integrity and reliability that will ensure good faith performance.

“Responsive Offeror” means a Person who has submitted a Proposal that conforms in all material respects to the RFP.

“Solicitation” means an RFP issued for the purpose of soliciting Proposals to perform a City Contract.

“Specifications” means any description of the physical or functional characteristics, or of the nature of a good, service, or construction item. The term includes descriptions or any requirements for inspecting, testing, or preparing a good, service, or construction item for delivery.

“State” means the State of Hawai‘i.

“Subcontractor” means any Person who enters into an agreement with a contractor at any tier to perform a portion of the Work for a contractor.

“Technical and Price Proposal” means the information prepared and submitted by an Offeror in response to the RFP Part 2.

“Work” means the furnishing of all labor, material, equipment, and other incidentals necessary or convenient to the successful completion of the DB Project and the carrying out of all the duties and obligations imposed by the Contract.

“Working Day” means any day on the calendar, exclusive of State holidays, Saturdays and Sundays. Unless another meaning is intended, “working days” means consecutive working days. See HRS §8-1 for a listing of State holidays.

4.0 PROJECT DESCRIPTION

4.1 HHCTCP DESCRIPTION

The HHCTCP will provide high-capacity transit service in the travel corridor between Kapolei and UH Mānoa on O‘ahu. This corridor includes the majority of housing and employment on O‘ahu. The Minimum Operable Segment (MOS) extends along an east-west corridor approximately 20 miles long from East Kapolei to Ala Moana Center. The north-south width of the corridor is a maximum of 4 miles, as much of the corridor is constrained by the Ko‘olau and Wai‘anae Mountain Ranges to the north and the Pacific Ocean to the south. Nearly all of the transit guideway will be elevated and constructed primarily in the median of existing roadways. A Draft Environmental Impact Statement was released in November 2008. The comment period ends on February 6, 2009.

The HHCTCP will be constructed in segments. Construction of the first segment (see Section 4.5) is expected to be completed in 2013 and operational in 2014. The remainder of the HHCTCP is expected to be built in three segments with final completion in 2018.

The first segment will be constructed with local funds using design-build (DB) contract(s). All applicable FTA requirements will be incorporated into the DB Contract. The maintenance yard/shops and storage facilities, vehicles, and system elements may be constructed under separate contracts concurrently with the DB Project.

4.2 HHCTCP GOALS

The purpose of the HHCTCP is to provide high-capacity rapid transit in the highly congested east-west transportation corridor between East Kapolei and Ala Moana Center. The goals of the HHCTCP are to:

- A) Improve mobility within the corridor;
- B) Improve travel reliability within the corridor;
- C) Improve access to planned development in support of the City policy to develop a Second Urban Center; and
- D) Improve transportation equity within the corridor.

4.3 DB PROJECT GOALS

The selected Design-Builder should address the short-term needs of the design and construction phases of the DB Project. The selected Design-Builder will have a proven track record with similar projects, with expertise, capabilities, and appropriate resources to address the needs of the DB Project in a timely and efficient manner.

The City’s goals for the DB Project are as follows:

- A) Deliver the DB Project in accordance with the Contract no later than forty months after NTP, within budget;
- B) Construct a high quality, safe DB Project;
- C) Accommodate future improvements identified for the HHCTCP in supporting environmental documents; and
- D) Maintain good public relations during construction through an effective PI program and efficient maintenance of traffic.

4.4 OVERALL PROCUREMENT PROCESS

The procurement of the Contract will be in accordance with laws and rules of the State of Hawai‘i, using “Best Value” as the basis of selection in accordance with the evaluation criteria as set forth in this Solicitation.

The procurement will include a two-part competitive sealed proposal process:

- A) Part 1 – Qualifications Proposals (determination of Priority List of up to the top four highest ranked firms); and
- B) Part 2 – Technical and Price Proposals (selection of Design-Builder from the Offerors on the Priority List that submit Technical and Price Proposals).

4.4.1 Part 1 – Qualification Proposals

Submittal requirements, the evaluation criteria, the objectives and requirements for evaluation, and the evaluation scoring guidelines are provided in Section 6.0 Request For Proposals, Section 7.0 Preparation of Qualifications Proposals (RFP Part 1), and Section 8.0 Evaluation of Qualifications Proposals and Establishment of Priority List (Part 1 “Qualifications Proposal”).

4.4.2 Part 2 – Technical and Price Proposals

Submittal requirements, the evaluation criteria, the objectives and requirements for evaluation, and the evaluation scoring guidelines will be provided with the RFP Part 2.

- A) Evaluation criteria for the RFP Part 2 will include, but not be limited to, the following:
 - 1) Responsive/Non-Responsive:
 - a) Organizational and Financial Information; and
 - b) Proposal Responsiveness.
 - 2) Quality:
 - a) Management Approach Information;
 - b) Technical Solutions Information;
 - c) Schedule and Time Information;
 - d) Key Personnel and Experience; and
 - e) DB Project Support.
 - 3) Price.
- B) Information to be submitted in the Technical and Price Proposals will include, but not be limited to, the following:
 - 1) Organizational documents demonstrating ability to enter into a Contract with the City;
 - 2) Bid Security and other financial guarantees;
 - 3) Specified Certificates and Representations;
 - 4) Letter of Commitment from Surety(ies) for Payment and Performance Bonds;
 - 5) Qualifications of key personnel;
 - 6) A letter of commitment for key personnel;

- 7) Description of management approach, including schedule and organization;
- 8) Technical approach including concept plans for the new construction, traffic management, geologic and geotechnical issues, and environmental coordination and compliance management of mitigations of the Environmental Impact Statement documents and of Federal, State, and Local environmental requirements;
- 9) Specified design documents and conceptual diagrams and sketches; and
- 10) Price Proposal.

The Award will be issued to the responsible Offeror whose proposal is determined in writing to provide the Best Value to the City, taking into consideration price and the evaluation criteria in the RFP, and will be posted pursuant to HAR §3-122-57 for five Working Days. The contract file will include the basis for selecting the successful Offeror.

4.5 DB PROJECT DESCRIPTION

The West O‘ahu/Farrington Highway Guideway Project is the first segment of guideway for the HHCTCP. The guideway alignment would be within existing roadway right-of-way whenever possible to minimize impacts on private properties.

The Design-Builder would design and construct approximately 7 miles of guideway, including the associated roadway modifications, utility relocations, and other infrastructure from the East Kapolei Station, along North–South Road, across the Ho‘opili development, and along Farrington Highway to a point just east of the Pearl Highlands Station on Kamehameha Highway. The Design-Builder would also design and construct the elevated portion of the west lead track into the vehicle maintenance and storage facility (MSF). The Work would further include site improvements for traction power substations located along this segment of the guideway, installing duct banks, and allowing for system elements/cable trays necessary for installation of system elements under separate contract. The MSF would either be located near Leeward Community College (Site 1) or near Farrington Highway between North-South Road and Fort Weaver Road (Alternative Site 2).

The alignment would traverse through private- and State-owned lands, run adjacent to the future North-South Road (currently under construction), and run through the future UH West O‘ahu campus. A portion of the alignment along North-South Road would lie between a drainage channel and high voltage lines. The alignment enters the Ho‘opili development site within future roadway median that generally parallels Farrington Highway. Leaving the Ho‘opili development, the alignment crosses Farrington Highway west of Old Fort Weaver Road then runs in an easterly direction within Farrington Highway right-of-way. From a point west of Fort Weaver Road, the alignment would run within the median of Farrington Highway. As it passes Waipahu High School the alignment would curve to south of Farrington Highway in order to provide an entrance to the MSF Site 1. After passing MSF Site 1, the guideway would enter the property of Leeward Community College. From East Kapolei to this point, the guideway would be elevated. A short at-grade portion of the guideway would accommodate the Leeward Community College Station. After this at-grade section, the guideway would be elevated and pass over the Interstate H-1 (H-1 Freeway) and into the Pearl Highlands Station site.

This segment contains seven stations to be constructed under separate contracts: the East Kapolei Station, the UH West O‘ahu Station, the Ho‘opili Station, the West Loch Station, the Waipahu Transit Center Station near the Farrington Highway-Paiwa intersection, the Leeward Community College Station, and the Pearl Highlands Station near the Farrington Highway-H-1 Freeway intersection. The Design-Builder would be responsible for designing and constructing the guideway through these seven station areas,

Honolulu High-Capacity Transit Corridor Project

including the structure beneath the guideway that will support the stations.

From East Kapolei to Fort Weaver Road, the guideway would cross open lands which generally do not have immediately adjacent public roads. In these areas it would likely be necessary to construct a separate temporary access road for construction vehicles and equipment. The terrain in this area is varied and this access road may require cuts, fills and temporary bridge structures.

Farrington Highway east of Fort Weaver Road is nominally four lanes wide with a landscaped median that varies in width from 14 feet to 28 feet. West of Fort Weaver Road there is a portion of Farrington Highway that is only two-lanes in a rural type setting. Commercial, retail, residential, and State properties border Farrington Highway, thus constraining the construction work zone areas available to the Design-Builder. The section of the guideway to be located in the median of Farrington Highway would cross above three major roadways (Fort Weaver Road, Farrington Highway, and H-1 Freeway).

The following surface and marine waters are within or adjacent to the DB Project's corridor:

	Associated Floodplain	Wetlands Classification	Marine Waters Classification
Kalo'i Gulch	Yes (groundwater recharge; stormwater conveyance)	n/a	n/a
Honouliuli Stream	Yes (groundwater recharge; stormwater conveyance)	Riverine	n/a
Hō'ae'ae Stream	No	Riverine	n/a
Waikele Stream	Yes (stormwater conveyance)	Riverine	n/a
Kapakahi Stream	Yes (stormwater conveyance)	Riverine	n/a
Makalena Stream	Yes (stormwater conveyance)	Riverine	n/a
Waiawa Stream	Yes (stormwater conveyance)	Riverine	n/a
Pearl Harbor	No	n/a	Inland water/estuary

It is anticipated that the guideway would be precast segmental girder construction and the standard double-track guideway section would be a single-cell trapezoidal box girder. The Offeror may be permitted to propose an alternate configuration. The typical span is anticipated to be approximately 120 to 150 feet long, constructed using span-by-span erection procedures. It is planned that longer spans along the alignment, such as those crossing major intersections, would utilize drop-in spans between hammerhead piers for spans ranging from 150 to 180 feet, or a balanced cantilever-type construction for spans 180 feet or longer for the span crossing H-1 Freeway. A casting yard site would be the responsibility of the Design-Builder.

It is anticipated that the majority of foundations for the guideway would be single-drilled shafts ranging in diameter from 6 to 10 feet. Various types of bents would be used along the alignment, including concentric bent, C bent, and straddle bent, depending on geometric conditions.

The DB Project would include installation of guideway lighting, miscellaneous electrical/mechanical wayside equipment, switch machines, sound barrier walls, running rails and insulated third rail (contact rail). The track, turnouts and installation materials (rail fasteners, insulators, coverboards, etc.) would be procured under separate contract and the delivery site is anticipated to be at the future MSF. The Design-Builder would provide installation equipment and would obtain the track and installation materials from the City.

West O'ahu/Farrington Highway Guideway Design-Build Contract

The Design-Builder would be required to coordinate and interface with other contractors whose work on the project would be concurrent. These other contractors would at a minimum include station design, station construction, MSF design/construction, and systems design/installation.

4.6 GENERAL DESIGN-BUILDER RESPONSIBILITIES

The Design-Builder will be responsible for adherence to the design criteria and specifications as provided in the RFP Part 2 documents which include guidelines of the City and the Department of Transportation, State of Hawai'i. The DB Project will include, but not be limited to, the following design and construction related Work items: public relations, contract administration, roadway, guideway, systems elements, signing and illumination, utilities, hydraulics, and quality control/assurance.

4.6.1 General

- A) Provide a comprehensive quality plan and conduct and document all design and construction quality control and design review for the DB Project;
- B) Obtain all required and necessary construction permits, environmental permits, and all other assigned permits;
- C) Be aware of and comply with all applicable laws and regulations. In particular, the HAR, HRS, and FTA regulations;
- D) Plan and execute all environmental commitments/mitigation assigned;
- E) Provide and manage a proactive PI and community outreach plan in conjunction with RTD efforts from earlier phases of the HHCTCP;
- F) Identify and mitigate any unanticipated circumstances such as historical or archeological resources, or hazardous materials that may be encountered, in accordance with the requirements of the Contract; and
- G) Maintain a safe DB Project and use good housekeeping standards.

4.6.2 Guideway

- A) Design and construct the guideway structure;
- B) Design and install track and special trackwork, including third rail traction power; however, the supply of the trackwork will be under separate contract(s);
- C) Install conduits for all electrical and system elements, handrails, sound walls, drainage structures, abutments, and other features for the guideway structure; and
- D) Stations will be constructed under separate contract(s); however, the Design-Builder will construct the substructure for the station platforms, provide for future station construction, and coordinate with the station contractor(s).

4.6.3 Roadway

- A) Design and construct all utility relocations needed; coordinate utility relocations that are to be designed and constructed by others;
- B) Provide grading, pavement, and street construction required to restore affected sections of Farrington Highway and all affected intersections;
- C) Provide and install lighting, signage, and markings;
- D) Grade and construct foundation pads and civil facilities at traction power substations and train control locations;

- E) Plan and execute maintenance of traffic plan associated with the traveling public and construction vehicles, minimizing impact to traffic flow, adjacent communities, local businesses, and schools, including mitigation measures;
- F) Design and construct retaining walls;
- G) Design and construct perimeter and/or sound walls; and
- H) Design and construct associated aesthetics and landscaping.

4.7 DESIGN-BUILDER RESPONSIBILITIES FOR COORDINATION WITH SYSTEMS CONTRACTOR(S)

The Design-Builder will coordinate with the Systems Contractor(s) to install all the traction power substations site work and foundation pads, train control systems duct banks/cable trays and housing, the network of duct banks and conduit runs, and other block outs/accommodations for systems equipment to complete the follow-on contracts.

4.8 TERM OF CONTRACT

The term of the Contract is expected to extend from November 2009 through July 2013, or as otherwise mutually agreed in writing. The Contract is subject to the availability of funds.

4.9 WEBSITES

The following is a list of websites providing background and reference information.

- A) HRS can be found at: <http://www.capitol.hawaii.gov/site1/hrs/default.asp>
- B) HAR can be found at: <http://hawaii.gov/ltgov/office/adminrules/>
- C) Information on procurement for the City and County of Honolulu may be found at: www.honolulu.gov/pur/.
- D) GCDB can be found at: www.honolulu.gov/pur/index.htm.
- E) Information on FTA circulars may be found at: www.fta.dot.gov/leg_reg_circulars_guidance.html.
- F) FTA's Third-Party Contracting Checklist may be found in FTA Circular 4220.1F, Appendix C at: http://www.fta.dot.gov/documents/FTA_Circular_4220.1F_-_Finalpub1.pdf.
- G) FTA's Best Practice Procurement Manual may be found at: www.fta.dot.gov/funding/thirdpartyprocurement/bppm/grants_financing_6195.html
- H) Information relevant to the Hawai'i State Department of Transportation DBE Program may be found at: www.hawaii.gov/dot/administrator/ocr/dbe.htm.
- I) Information relevant to debarment may be found at: <http://www.epls.gov/>.
- J) Information about the project in general as well as the Draft Environmental Impact Statement may be found at www.honolulutransit.org.

5.0 INQUIRIES

All inquiries shall be addressed to:

Wendy K. Imamura
Purchasing Administrator
Division of Purchasing
Department of Budget and Fiscal Services
City and County of Honolulu
530 S. King Street
Honolulu, HI 96813
Facsimile Number: (808) 768-3299
E-mail Address: transitmailbox@honolulu.gov

5.1 DEADLINE FOR INQUIRIES

Inquiries shall be submitted no later than the date listed in Section 6.2 as Deadline for Receipt of Clarification Requests unless the Chief Procurement Officer determines that it is in the best interest of the City to accept any inquiry submitted after the deadline.

5.2 WRITTEN REQUESTS FOR CLARIFICATION

All questions shall be submitted in writing. See Exhibit 1. Any correspondence related to this solicitation shall refer to the appropriate RFP number, page number, and Section number. However, the requestor must not place the RFP number on the outside of an envelope containing questions, since such an envelope may be identified as a sealed Proposal and may not be opened until after the official Proposal due date. Oral interpretations or clarifications will be without legal effect. Only questions answered by a formal written response will be binding. See Section 6.3.

5.3 CONTACT

- A) Contact between Offerors and the City (questions and responses to questions) shall only be in writing through the City's and Offeror's designated representatives. Offerors may not contact other City employees or the City's representatives concerning this RFP while the Solicitation process is in progress. The selection process begins at the date of the RFP issuance and will be completed with the Award of the Contract which is anticipated to be about September 2009, through a two-part Competitive Sealed Proposal process as outlined in this RFP.
- B) After submittal of Qualifications Proposals, no Offeror or any of its members may communicate with another Offeror or its members with regard to the DB Project or the Qualifications Proposal, except that an Offeror may communicate with a Subcontractor that is on both its team and another Offeror's team, so long as those Offerors establish protocol to ensure that the Subcontractor will not act as a conduit of information between the Offerors.
- C) Any contact determined to be improper, at the sole discretion of the City, may result in disqualification.
- D) Official communications by the City to the Offerors regarding the DB Project will be in writing, signed and disseminated by the Chief Procurement Officer or designee. The City will not be responsible for any transfer of information that occurs outside the official contact process specified in the RFP.

6.0 REQUEST FOR PROPOSALS

6.1 PRE-PROPOSAL CONFERENCE

A pre-proposal conference to respond to questions from Persons interested in submitting Proposals will be held. Although attendance is not mandatory, all interested Offerors are encouraged to attend. Those Offerors wishing to attend meeting should communicate their intentions, via e-mail, by February 17, 2009, to transitmailbox@honolulu.gov. In addition to the sender's e-mail address, the e-mail should include the number of attendees. Attendees may also e-mail advance questions to the City, which may be addressed during the meeting.

Date of Meeting: February 18, 2009
Time of Meeting: 1:30 p.m. – 3:00 p.m.
Place of Meeting: Neal S. Blaisdell Center, Hawai'i Suite
777 Ward Avenue
Honolulu, Hawai'i 96814

6.2 PROCUREMENT TIMETABLE

The following timetable has been established for the DB Project Solicitation:

Activity	Month	Day	Year
Issue RFP Part 1	Feb	4	2009
Pre-Proposal Conference	Feb	18	2009
Deadline for Receipt of Clarification Requests	Feb	25	2009
Final Addendum	Mar	9	2009
Qualifications Proposals Due Date	Mar	13	2009
Issue RFP Part 2	Apr	3	2009
Pre-Proposal Conference	Apr	30	2009
Deadline for Receipt of Clarification Requests	Jun	26	2009
Final Addendum	Jul	10	2009
Technical and Price Proposals Due Date	Jul	31	2009
Award of Contract (Tentative)	Sept	25	2009

6.3 RFP CLARIFICATIONS, DISTRIBUTION, AND AMENDMENTS

- A) **Clarification.** Offerors shall carefully review this solicitation for defects and questionable matter. Comments concerning defects and questionable matter must be made in writing to the Chief Procurement Officer not later than the date listed in Section 6.2 as Deadline for Receipt of Clarification Requests. Inquiries received later than the Deadline for Receipt of Clarification Requests will not be responded to unless the Chief Procurement Officer determines that it is in the best interest of the City to respond to any inquiry submitted after the deadline.
- B) **Distribution.** The City will make every reasonable attempt to notify all Persons who have obtained the RFP from the City for any changes to the RFP. The primary method of distributing addenda will be through the Division of Purchasing website (see Section 4.9). The Offeror is responsible to monitor the website and obtain all addenda. The Offeror shall indicate the addendum number and date of each addendum in the space provided on Exhibit 3.
- C) **Amendments.** The City will issue responses to all inquiries, and any other corrections or amendments it deems necessary, in written addenda issued prior to the Proposal Due

Date. Additional background material or modifications to RFP requirements, where necessary, will be communicated to all Offerors by written addenda issued by the City. Addenda will be incorporated as part of the RFP. Offerors should not rely on representations, statements, or explanations other than those made in this RFP or in formal written addenda.

6.4 MODIFICATION OR WITHDRAWAL OF PROPOSALS

Proposals submitted pursuant to this RFP may be modified or withdrawn prior to the Proposal Due Date in accordance with HAR §3-122-16.07.

6.5 RECEIPT AND REGISTRATION OF PROPOSALS

In accordance with HAR §3-122-51, Proposals and modifications will be time-stamped upon receipt and held in a secure place by the Chief Procurement Officer until the Proposal Due Date.

- A) Proposals and modifications will not be opened publicly, but will be opened in the presence of two or more City officials.
- B) Proposals and modifications will be shown only to members of the evaluation committee and City personnel or their designees having legitimate interest in them.

6.6 PUBLIC INSPECTION

Public inspection will be in accordance with HAR §3-122-58.

- A) The existing Contract file, except those portions the Offeror designates in writing as trade secrets or other proprietary data to be confidential subject to subsection (B), will be available for public inspection upon posting of Award pursuant to Section 103D-701, HRS.
- B) If a person requests to inspect the portions of an Offeror's Proposal designated as confidential pursuant to HAR §3-122-46(9), the inspection will be subject to written determination by the Corporation Counsel for confidentiality in accordance with Chapter 92F, HRS.
- C) If the Corporation Counsel determines in writing that the material designated as confidential is subject to disclosure, the material will be open to public inspection unless the Offeror appeals pursuant to Section 92F-42(1), HRS.

6.7 CANCELLATION OF SOLICITATIONS

Solicitations may be canceled for any reasons stated in the HAR §3-122-96. If the solicitation is cancelled, notice will be given to Offerors pursuant to the HAR.

6.8 REJECTION OF PROPOSALS

Proposals may be rejected for any reason stated in the HAR §3-122-97. If a Proposal is rejected, notice will be given to Offerors pursuant to the HAR.

6.9 SUSPENSION AND DEBARMENT

In accordance with 2 CFR 1200 the Design-Builder is required to verify that none of the Design-Builder, its principals, as defined in 2 CFR 180.995, or affiliates, as defined at 2 CFR 180.905, are excluded or disqualified as defined at 2 CFR 180-945 and 180.935. The Design-Builder is required to comply with 2 CFR 1200, Subpart C and must include the requirements to comply with 2 CFR 1200, Subpart C in any lower tier covered transaction it enters into. By signing and submitting its Proposal, the Offeror certifies

to these requirements.

6.10 LICENSING

All Persons participating in this procurement and/or the Contract must obtain all licenses and permits and take all necessary steps to conduct business in the State of Hawai‘i and perform the Work required under the Contract, including proposing in accordance with HAR Section 16-77-4, and carrying out contracts consistent with the laws of the State of Hawai‘i. Offerors must be properly licensed and capable of performing the Work as described in the RFP, including but not limited to an “A” general engineering contract license. Out-of-state contractors shall comply with HAR Section 16-77-89, requiring a place of business in the State.

6.11 JOINT VENTURES; PARTNERSHIPS

Persons intending to propose as a joint venture or partnership who are not licensed as a joint venture or partnership must be in compliance with HAR §16-77-13.

6.12 SUBCONTRACTING

All Subcontractors are subject to pre-approval by the City.

6.13 ROLE OF THE CITY

In context of the DB Project, the City is responsible for the following:

- A) Overall program administration;
- B) Preparation of the RFP, determination of Priority List, evaluation of Proposals, and selection of Design-Builder;
- C) Contract procurement and administration;
- D) Quality Assurance oversight;
- E) Due diligence information and data;
- F) Land acquisition for rights-of-way and permanent easements and associated relocations;
- G) Utility and Inter-Agency master agreements;
- H) Review and comment, final acceptance and payment for satisfactory Work performed; and
- I) DB Project and Design-Builder media relations oversight.

6.14 ORGANIZATIONAL CONFLICT OF INTEREST AND NON-DISCLOSURE REQUIREMENTS

- A) Each of the following circumstances will be deemed an organizational conflict of interest and the affected Offerors will be deemed non-responsive:
 - 1) Participation by Persons (other than Casting Yard Subcontractors) on more than one Offeror’s team performing more than 15% of the design, or as a Subcontractor responsible for performing more than 20% of the construction; or
 - 2) Participation of an Affiliate of any Person identified in subsection (1) above on another Offeror’s team;
- B) All Offerors affected by the organizational conflict of interest will be deemed non-responsive, even if the Person or Affiliate causing the conflict is intended to have a

different or lesser role than that described above. Firms serving solely as a QC engineering firm, environmental coordinator, or public information/community relations coordinator may be on multiple teams;

- C) A contractor (at any tier) who is paid for developing or preparing specifications or work statements in the development of a solicitation package or any resulting contract is precluded from submitting an offer or receiving a contract for that particular solicitation in accordance with HRS §103D-405(d) and Hawai‘i Administrative Rules §3-122-13(e) & Exhibit 4.
- D) It is a requirement of the City that Offeror organizations, including Principal Participants and specialized Subcontractors, identified in the Qualifications Proposal remain intact for the duration of the procurement process, including the subsequent Contract, unless otherwise approved in writing by the City. An Offeror may propose substitutions for participants after the Qualifications Proposal submittal; however, such changes will require written approval by the City, and approval may be granted or withheld at the City’s sole discretion. Requests for changes must be made in writing no later than thirty (30) calendar days prior to the due date for submittal of Technical and Price Proposals; and
- E) Non-Disclosure: The Offeror may be given access to records, which are confidential under state laws, solely for the purpose of performing the required services under the Contract. The Offeror shall be required to sign a non-disclosure statement prior to receipt of such documents obligating each employee, agent, or Subcontractor of the Offeror not to make inappropriate use of or improperly disclose any of the contents of such documents.

6.15 PROTESTS

Protests shall be made in accordance with Section 103D-701, HRS, and HAR §3-122-60.

7.0 PREPARATION OF QUALIFICATIONS PROPOSALS (RFP PART 1)

7.1 NON-DISCLOSURE OF DESIGNATED TRADE SECRETS OR PROPRIETARY INFORMATION

In accordance with HAR §3-122-46, Offerors shall designate in writing those portions of the unpriced Proposal that contain trade secrets or other proprietary data that are to remain confidential, subject to HAR §3-122-58; that material designated as confidential must be readily separable from the Proposal to facilitate inspection of the nonconfidential portion of the Proposal. Designation of the entire Proposal as confidential will not be acceptable.

7.2 AUTHORIZATION OF QUALIFICATIONS PROPOSALS

Each Proposal shall be signed in ink by a person authorized to act for the Offeror submitting the Proposal. Evidence of the signer's authority to act on behalf of the Offeror sufficient to satisfy the Chief Procurement Officer shall be submitted with the Proposal.

7.3 QUALIFICATIONS PROPOSAL CONTENT

The Offeror's Qualifications Proposal shall contain sufficient information to enable the City to fully evaluate and determine the Offeror's capacity and capability to comply with (i.e., to meet or exceed) all requirements identified in the Solicitation.

The Offeror shall respond to all requirements of this Solicitation clearly and completely, and the Qualifications Proposal shall not require additional explanation, clarification, or interpretation. Offerors who fail to respond adequately may be eliminated from consideration for the Priority List or determined to be non-responsive.

Up to four (4) of the highest-ranked Offerors from the Qualifications evaluation will be included on the Priority List. Only those Offerors included on the Priority List will be provided with the RFP Part 2 documents and be asked to provide Technical and Price Proposals.

The City may:

- A) Reject any or all Offers if such action is in the public interest;
- B) Accept other than the lowest Offer; and
- C) Waive informalities and minor irregularities in Offers received.

7.4 SUBMITTAL REQUIREMENTS

7.4.1 Date and Time of Receipt

All Qualifications Proposals must be received no later than 4:00 p.m. HST, on the Qualifications Proposal Due Date specified in Section 6.2. The Qualifications Proposals must be enclosed in sealed containers marked clearly with the RFP number. Late submittals will not be accepted.

7.4.2 Submittal Address

Qualifications Proposals shall be delivered to the following address:

Wendy K. Imamura
Purchasing Administrator
Division of Purchasing

Department of Budget and Fiscal Services
530 South King Street, Room 115
Honolulu, Hawai'i 96813

The Proposal must be time-stamped in the Division of Purchasing, Department of Budget and Fiscal Services, 530 S. King Street, Room 115, Honolulu, HI 96813. It is the responsibility of the Offeror to ensure that the Proposal is received in the Purchasing Division on or before the time specified for receipt of Proposals (see Section 6.4).

7.5 PAGE LIMIT, FORMAT, AND QUANTITIES

The Qualifications Proposal will be limited to no more than 75 pages in Sections 1 through 5 of the Qualifications Proposal (see Exhibit 2), including required forms, but exclusive of dividers and appendices. Single sided pages shall be used except for pre-printed information. One original and nine copies of the Qualifications Proposals and appendices shall be provided. The signed original copy shall be identified as the original on the cover(s) and marked as "Copy 1 of 10 Copies." All copies shall be provided in loose-leaf binders. Bound copies will not be accepted. Each copy shall be identified on the cover(s) as "Copy # of 10 Copies." The document must be organized to correspond with the format outline presented in Exhibit 2.

Provide two electronic copies on CD of the Qualifications Proposal in "pdf" searchable format. Do not include company brochures or other marketing materials on the CD.

Qualifications Proposals shall be in English, in Times New Roman font, 12 point minimum, on 8-1/2" by 11" paper; any larger sheets shall be folded to that size. Pages shall be consecutively numbered.

Qualifications Proposals shall be signed in ink by the person being proposed to bind the Offeror.

7.6 CONTENT OF QUALIFICATIONS PROPOSAL

This section describes the specific information that must be included in the Qualifications Proposal. An outline of the required format for the Qualifications Proposal is provided in Exhibit 2. Required forms for the Qualifications Proposal are contained in the Exhibits. Any material modification to the forms may result in the Qualifications Proposal being deemed non-responsive.

Offerors should provide brief, concise information that addresses the objectives and the requirements of the DB Project consistent with the evaluation criteria described in Sections 7.6.4 through 7.6.8. Lengthy narratives containing extraneous information are discouraged.

The City will maintain a confidential process for the duration of this DB procurement. All records related to this procurement, including, but not limited to, Qualifications Proposals, Evaluation and Priority List Procedures, Technical and Price Proposals, Evaluation and Selection Procedures, and any records created during the evaluation and selection process, will remain confidential until the Contract Award has been posted by the City.

7.6.1 Organization of Qualifications Proposal

The outline format presented in this section will be followed for preparing the Qualifications Proposals. Specific content requirements for each section of the Qualifications Proposal are described in detail in Sections 7.6.2 through 7.6.8. Exhibit 2 should be used as a high-overview organizational checklist only when putting the Offeror's Qualifications Proposal together. The format below has been created to facilitate responses to the RFP Part 1 solicitation and to facilitate the City's evaluation and Priority List process.

- A) The Qualifications Proposal will be packaged into a cover letter, five separate sections and three appendices:
 - 1) Section 1 – Organizational Eligibility;
 - 2) Section 2 – Experience of the Offeror and Principal Participants;
 - 3) Section 3 – DB Project Understanding;
 - 4) Section 4 – Team Organizational Structure;
 - 5) Section 5 – Financial;
 - 6) Appendix A – Organizational Structure Documents;
 - 7) Appendix B – Company Brochures; and
 - 8) Appendix C – Awards, Citations, and Commendations.
- B) The sections and appendices will consist of loose-leaf pages. The five sections will be placed together in one 3-ring binder and the three appendices will be placed together in a separate 3-ring binder.
- C) Qualifications Proposals will become the property of the City. Copies of each Qualifications Proposal will be retained after the Qualifications Proposal evaluation process for the DB Project files.

7.6.2 Proposal Letter and Proposal Form

The Offeror shall provide a one- or two-page letter indicating its desire to be considered for the DB Project and stating the official names and roles of all Principal Participants, the Designer, QC engineering firm, subconsultants and Subcontractors, and specialty Subcontractors. The Offeror shall identify a single point of contact for the Offeror and the address, telephone and fax numbers, and email address to which questions should be directed. Authorized representatives of the Offeror's organization shall sign the letter. Attach Exhibit 3 and Exhibit 4 to the Proposal Letter.

7.6.3 Responsiveness and Evaluation Criteria Objectives and Requirements

In providing the Qualifications Proposal, Offerors should be guided by the DB Project goals, as identified in Section 4.3, and the objectives listed in Sections 7.6.4 through 7.6.8. An objective is stated for each evaluation criteria to provide Offerors the expectations of the City. The requirements for each evaluation criteria and the information to be submitted are listed and described in detail. The Qualifications Proposal evaluation scores and the ranking will be based on the responsiveness of the Qualifications Proposal to the requirements of the DB Project goals and the objectives for each of the evaluation criteria.

7.6.4 Organizational Eligibility (Section 1)

- A) Objective:
 - 1) To identify legally constituted Offerors able to submit Technical and Price Proposals (RFP Part 2) and enter into the DB Contract;
 - 2) Identify Offerors who meet all of the licensing requirements to perform the Work; and
 - 3) Identify Offerors with design and construction experience on segmental viaduct structures.
- B) Requirements and information to be provided in Section 1 of the Qualifications Proposal:
 - 1) Submit Offeror's Organization Information as identified on Exhibit 5;

- 2) If a Partnership or Corporation submit Exhibit 6;
 - 3) Submit Principal Participant and Designer certification on Exhibit 7, for each Principal Participant and the Designer covering the last five years; and
 - 4) Indicate in Exhibit 8 segmental design and construction experience.
- C) If a Joint Venture, Limited Liability Company, or Partnership:
- 1) Identity of the lead Principal Participant of the entity, if any;
 - 2) Indicate the equity share percentage held by each member;
 - 3) Include an express statement from each of the equity members of the entity to confirm their joint and several liability; and
 - 4) Identify full details of the organization structure and provide in Appendix A to the Qualifications Proposal supporting organization/information documents, including a copy, as applicable of the JV agreement, LLC operating agreement, or partnership agreement.
- D) Requirements and information to be provided in Appendix A to the Qualifications Proposal:
- 1) Notarized Power(s) of Attorney for each Principal Participant indicating the authority of the Principal Participant's representative to sign for that Principal Participant;
 - 2) Notarized Power(s) of Attorney from each Principal Participant indicating the authority of the Offeror's designated point of contact to sign documents for and on behalf of the Offeror's organization; and
 - 3) Alternatively, in lieu of the Powers of Attorney required in Sections 7.6.4 (D) (1) and (2), the Offeror may submit certified, original corporate resolutions from each Principal Participant and the Offeror (as appropriate) indicating the authority of the Principal Participant's and/or Offeror's designated point of contact to sign documents for and on behalf of the Principal Participant and/or Offeror's organization. Such resolutions must be signed by the Secretary of the corporation and contain a corporate seal or notarization.

7.6.5 Experience of the Offeror and Principal Participants (Section 2)

- A) Objective:
- 1) To identify the best design and construction firms available with demonstrated experience and expertise in, capacity for, and record of producing quality Work on projects similar in nature to the DB Project.
 - 2) To identify Offerors that have the following:
 - a) Experience in successfully managing, designing, and constructing projects of similar size, scope, and nature of this DB Project;
 - b) Superior records of completing contracts on time and within budget;
 - c) Experience in successfully managing the maintenance of traffic aspects of this Project;
 - d) Records of managing contracts to minimize delays, claims, dispute proceedings, litigation, and arbitration; and

- e) Good safety records;
 - 3) To identify Offerors who will effectively manage all aspects of the DB Project in a quality, timely, and effective manner and will integrate the different parts of its organization collectively and with the City in a cohesive and seamless manner;
 - 4) To identify Offerors that have the technical and management experience and expertise to plan, organize, and execute the design and construction and ensure the quality and safety of the DB Project; and
 - 5) To identify Offerors with firms or personnel currently engaged in or with a history of legal and financial problems that could adversely impact the DB Project generally.
- B) Requirements and information to be provided in Section 2 of the Qualifications Proposal:
- 1) **Experience:** Provide the past project information requested in Exhibit 8. Provide no more than 15 past project descriptions highlighting experience in the last five years relevant to the DB Project. At least five of these projects should have involved segmental viaduct construction. The project descriptions shall be comprised of two past projects per each Principal Participant and the Designer. Additional project descriptions from the QC engineering firm and any specialty Subcontractors shall be submitted. Provide a description of those projects having scope comparable to that anticipated for the DB Project;
 - 2) **Subcontractor Information:** Provide the information requested in Exhibit 9. Except for the designated Designer and QC engineering firm, identify Subcontractors and subconsultants the Offeror plans to use, to the extent they are known, indicating what portion of the Work such Subcontractor or subconsultant is anticipated to undertake. Submit maximum one-page summary of experience for each listed Subcontractor or subconsultant;
 - 3) **Past Performance:** Provide the information requested in Exhibit 10 for the Offeror and each Principal Participant and the Designer. If an Offeror has no record of relevant past performance or if the relevant information is not available, enter a declarative statement to that effect. For each cited instance of litigation, claim, dispute proceeding, arbitration, assessment of liquidated damages, or termination for cause or default, provide the owner's name and the name of its current representative (and current telephone and fax numbers) who can be contacted for additional information. Copies of Awards, Citations and Commendations may be included in Appendix C and will not count toward the page limit;
 - 4) **Safety:** Provide detailed safety record information for each Principal Participant as requested in Exhibit 11; and
 - 5) Company brochures may be included as information in Appendix B and will not be evaluated nor count toward the page limit.

7.6.6 DB Project Understanding (Section 3)

- A) Objective:
- 1) To identify those Offerors demonstrating an understanding of the management, technical, and maintenance of traffic issues and risks associated with the DB Project; and
 - 2) To identify those Offerors demonstrating an understanding of how the DB

process and the Offeror's organization will contribute to the success of the DB Project and meet the City's DB Project goals, demonstrating an understanding of the risk sharing and the teaming relationship between the Design-Builder and the City.

- B) Requirements and information to be provided in Section 3 of the Qualifications Proposal:
- 1) List and briefly describe the ten most significant issues and risks (e.g., management, technical, and maintenance of traffic) facing the selected Offeror and/or the City, and the benefits and responsibilities associated with a DB Contract;
 - 2) Briefly describe how the Offeror will use its organization, key personnel availability and DB process expertise to ensure a successful DB Project (considering the City's DB Project goals);
 - 3) Offeror's unique approach to identifying and implementing DB Project requirements (City and FTA); and
 - 4) Briefly describe how the Offeror will deal with the unique logistical challenges and the limited local resources—both materials and labor, posed by the location of the DB Project.

7.6.7 Team Organizational Structure (Section 4)

- A) Objective:
- 1) To identify Offerors with a project organizational structure that accounts for all activities that are necessary to complete the DB Project successfully;
 - 2) To identify the Offerors' single point of contact for the DB Project; and
 - 3) To identify Offerors with the required technical and management experience and expertise to plan, organize, execute the design and construction, and ensure the quality and safety of the DB Project.
- B) Requirements and information to be provided in Section 4 of the Qualifications Proposal:
- 1) An organizational chart identifying participating firms responsible for major functions to be performed in designing, constructing, and providing construction QA and PI services for the Offeror's organization. All Principal Participants, the Designer, QC engineering firm, and known Subcontractors and subconsultants must be identified on the chart. Provide a brief description of the significant functional relationships among these firms. The critical support elements of DB Project management, contract administration, construction management, design management, and QC shall be identified.

7.6.8 Financial Capacity (Section 5)

- A) Objective:
- To identify Offerors with demonstrated capability to undertake the financial responsibilities associated with a projected \$550 – 600 Million DB Project (whether locally or federally funded), including bonding and guaranty requirements.
- B) Requirements and information to be provided in Section 5 of the Qualifications Proposal:
- 1) The Qualifications Proposal shall include the following information separately for each entity specified. If an Offeror or Principal Participant (or a member of a joint venture that is a Principal Participant) is privately held or owned and it

wishes to protect its financial information from disclosure, it must mark its financial information as confidential and justify such designation per the requirements of Section 7.1. All financial figures shall be expressed in US dollars. Indicate exchange rates used, if applicable:

- a) Submit complete financial statements for the last three (3) fiscal years (and the semi-annual report, if available) for the Offeror and each Principal Participant and Guarantor, audited by an independent certified public accountant, or equivalent. Provide a letter from each of the entity's independent auditors identifying all off-balance sheet liabilities; if none, so state. Provide English translations, where appropriate. Complete financial statements do not count toward the page count limitation.
- b) Submit copies of the three (3) most recent annual reports for the Offeror and each Principal Participant and Guarantor to the extent such reports are available. Provide English translations, where appropriate. Annual reports do not count toward the page count limitation.
- c) Provide a statement indicating any change in owner/stockholder equity within the past three (3) years. Provide English translations, where appropriate.
- d) Provide a letter of interest from one or more Guarantors or third party financial institutions (or describe alternative sources of financing) indicating the Offeror's capacity to obtain financing to cover costs incurred, including pending resolution of potential contract modifications, Offeror's cost overruns or other unforeseen circumstances. This is not a requirement to provide financing for the Project.
- e) To demonstrate the financial capacity of each Offeror and its Principal Participants to successfully complete the Contract, provide information indicating the liquid net assets of each Principal Participant and any Guarantor. See Exhibit 12. Table A below reflects the minimum liquid net assets levels necessary to pass the Responsive/Non-Responsive criteria of Section 8.2.1 and to receive at least 41% of available points for this criterion. Higher liquid net asset levels will likely result in higher ratings. If a Principal Participant is itself a joint venture, the liquid net assets is the sum of the liquid net assets of the members of that joint venture. The Offeror shall submit parent company guarantees for each of the members of a joint venture that make up an individual Principal Participant and Exhibit 12 for each parent company of the members of such a joint venture.

Table A	
Combined Liquid Net Assets of Offeror (Sum of all Principal Participants in Offeror's Organization)	Liquid Net Assets of Individual Principal Participant(s) in Offeror's Organization
US\$ 100 million	US\$ 25 million

- f) In the event that the Offeror does not meet minimum values in Table A, a written commitment from parent companies or third parties to provide

guarantees of the Offeror's obligations may be used to satisfy such criteria. Submit Exhibit 13. Guarantors shall provide information on Exhibit 12.

- g) Discuss any material change in the financial condition over the past three (3) years, including mergers, acquisitions, significant changes in liquidity and debt/equity ratios, major claims or litigation/arbitration pending (in excess of US\$ 5 million); if none, so state.
- 2) Provide a letter from a surety or insurance company(s) indicating that the Offeror is capable of obtaining bid security, performance, and payment bonds covering the DB Contract;
- a) The bonding/security capacity levels in Table B represent minimum levels necessary to pass requirements;
 - b) The surety or insurance company submitting such letter must be rated AA-/Aa3 by two nationally recognized rating agencies or at least A-X by A.M. Best and Company, and be listed on US Treasury Department Circular 570;
 - c) The letter must specifically state that the surety/insurance company(s) has evaluated the team's backlog and work-in-progress in determining its bonding capacity and the letter must expressly identify the team's amount of current backlog and utilized bonding capacity; and
 - d) Letters indicating "unlimited" bonding/security capability are not acceptable.

Table B Bonding Capacity Levels		
Bid Security	Payment Bond/Security	Performance Bond/Security
5% of proposed DB Contract amount	50% proposed DB Contract amount (min)	50% proposed DB Contract amount (min)

7.7 AGENCY INVOLVEMENT

The Department of Transportation Services will be the lead agency for this DB Project. Other agencies may be involved in a resource and review capacity.

7.8 ACCEPTANCE OF TERMS AND CONDITIONS

Any Offeror submitting a Proposal automatically agrees to each and all of the terms, conditions, provisions, and requirements set forth in this RFP Part 1 and the GCDB.

7.9 REVIEW OF RFP

It is the responsibility of all Offerors to examine the entire RFP Part 1 and to seek clarification of any requirement that may not be clear and to check all responses for accuracy before submitting a Proposal. Negligence in preparing a Proposal confers no right of withdrawal after due date and time.

7.10 NO REIMBURSEMENT

The City will not provide any reimbursement for the cost of developing or presenting Proposals in response to the RFP, except as specified in the RFP.

7.11 USE AND POSSESSION OF PROPOSAL

The City reserves the right to use any or all ideas presented in the Proposal. Selection or rejection of the Proposal does not affect this right. All materials submitted that have not been clearly designated as proprietary become the property of the City and may be returned only at the City's discretion.

8.0 EVALUATION OF QUALIFICATIONS PROPOSALS AND ESTABLISHMENT OF PRIORITY LIST (PART 1 “QUALIFICATIONS PROPOSAL”)

8.1 OVERVIEW

The RFP is structured in two parts. The objective of Part 1 is to create a Priority List of the most highly qualified Offerors with the general (technical, financial, and management) capability, capacity and experience necessary to successfully undertake and complete the Work. The Design-Builder will have primary responsibility to plan, design, manage, and control the DB Project in order to complete the Work on or ahead of schedule and within budget.

8.2 EVALUATION CRITERIA

The City has identified the following Evaluation Criteria. All Evaluation Criteria must be addressed in the Offeror’s Qualifications Proposal in order for the City to deem the Qualifications Proposal to be acceptable or potentially acceptable. Any Qualifications Proposal that does not include complete responses to all of the Evaluation Criteria will result in the Qualifications Proposal being scored down or deemed to be non-responsive, at the sole discretion of the City. All responsible Offerors who submit acceptable or potentially acceptable Qualifications Proposals are eligible for inclusion on the Priority List. If more than four acceptable or potentially acceptable Qualifications Proposals have been submitted, the Priority List will be limited through evaluation and ranking to no more than four Offerors who submitted the highest-ranked Qualifications Proposals.

Detailed Evaluation Criteria Objectives and Requirements are found in Section 7.6 above.

8.2.1 Responsive/Non-Responsive Criteria

Evaluation Criteria (A-C) below are considered to be a responsiveness check and will not be scored. Proposals that are deemed to be non-responsive will not be considered for the Priority List and will not be further evaluated.

- A) **Proposal Responsiveness (Responsive or Non-Responsive).** The Offeror submits all information requested in the RFP substantially in the specified format.
- B) **Organizational Eligibility (Responsive or Non-Responsive).** The Offeror shows evidence that its organization has the legal ability to enter into and perform the Contract to design and build the DB Project, has complied with state licensing requirements, has clearly identified all Principal Participants, and indicated design and construction experience with segmental viaduct structures and alternative configuration structures (if applicable). Offeror shall certify that neither it nor any of its Subcontractors or vendors is listed in the “Lists of Parties Excluded from Federal Procurement or Non-procurement Program,” and that they are FTA compliant.
- C) **Bonding and Liquid Net Assets (Responsive or Non-Responsive).** The Offeror shows evidence of its ability to provide required bonds. The Offeror shows evidence of its ability to meet the minimum Liquid Net Assets specified in Section 7.6.8, subparagraph B, subsection 1e, or satisfies such criteria as described in subsections 1d and 1f.

8.2.2 Evaluation Criteria

Evaluation Criteria (A-D) will be scored in accordance with the points shown and are listed in descending order of importance to the City.

- A) **Experience of the Offeror and Principal Participants (60 Points).** The Offeror and all Principal Participants demonstrate experience relevant to the size, complexity and

composition of the anticipated DB Project and their stated roles on the DB Project. The experience demonstrated by the Offeror and the Principal Participants shows construction of pre-cast span-by-span and balanced cantilever segmental structures and other alternate configuration structures (if applicable) in an urban environment involving significant traffic mitigation, utility relocation and environmental mitigation. The Offeror through its past experience demonstrates the ability to mobilize and provide resources which would enable the construction to be completed on schedule. The Offeror and the Principal Participants have provided complete contact information for references for each projects cited. The Offeror and the Principal Participants have provided dates or performance for each project cited. The Offeror and the Principal Participants have provided initial contract value and final contract value (or final projection) for each project cited. The Offeror and the Principal Participants have provided an explanation for the difference between initial contract value and final contract value for each project cited.

The Offeror and the Principal Participants demonstrate an acceptable record of performance, including completion schedule, quality of work product, completion within budget, claims history, record of terminations for cause and defaults, disciplinary action (including suspension), safety record, client references, and awards, citations, and commendations.

- B) **DB Project Understanding (35 Points).** The Offeror demonstrates knowledge and understanding of specific DB Project issues and risks, as well as the issues, benefits, and responsibilities associated with design-build contracts; provides an explanation of how the Offeror will ensure success of the Work and this DB Project; and provides the Offeror's unique approach to identifying and implementing DB Project requirements (as well as meeting or exceeding the DB Project schedule).
- C) **Team Organizational Structure (25 Points).** The Offeror demonstrates a project organizational structure that accounts for all of the necessary activities, particularly including Quality Control/Quality Assurance, Project Control, Document Control and Interface Management with other related projects. It is acceptable to provide separate organization structures for different project phases. The Offeror shows a single point of contact for the Offeror and shows technical and management experience and expertise to plan, organize, execute the design and construction, and ensure the quality and safety of the DB Project.
- D) **Financial (10 Points).** The Offeror shows acceptable guaranties (if required) and can meet other financial requirements of undertaking and completing the Work.

8.3 EVALUATION OF QUALIFICATIONS PROPOSALS

Evaluation of Qualifications Proposals will be conducted in accordance with HAR §3-122-52 and §3-122-53. Proposals will be classified as acceptable, potentially acceptable, or unacceptable.

8.4 PRIORITY LIST

In accordance with HAR §3-122-53, a Priority List will be established consisting of up to four Offerors. If more than four acceptable or potentially acceptable Proposals have been submitted, the Priority List will be limited through evaluation and ranking to the Offerors who submitted the highest-ranked Proposals.

Only prospective Offerors that are capable of completing this DB Project in its entirety will be eligible for the Priority List.

Following the HAR, Title 3, Subtitle 11, Chapter 122, Subchapter 6, the City will not publicly identify the Priority-Listed firms eligible to participate in Part 2 of the procurement process.

9.0 PROCUREMENT PROCESSES FOR THE RFP PART 2

The following items, among others, represent activities that may be part of the RFP Part 2 process and are presented here to inform the Offerors of what to expect after the Priority List is established.

9.1 ISSUANCE OF RFP PART 2

The RFP Part 2 will be issued to the Priority-Listed Offerors on or about the date shown in Section 6.2 above.

9.2 STANDARD SPECIFICATIONS

The Standard Specifications for the Project will be included in the RFP Part 2 and are currently available at the website indicated in Section 4.9 above.

9.3 INQUIRIES REGARDING RFP PART 2

Inquiries will be handled in accordance with RFP Part 2.

9.4 TECHNICAL AND PRICE PROPOSALS

Specific instructions for preparation and submission of the Technical and Price Proposals will be set forth in the RFP Part 2.

9.5 TECHNICAL AND PRICE PROPOSAL-ACCEPTANCE PERIOD

To allow for adequate evaluation, the City requires that a Technical and Price Proposal in response to the RFP Part 2 Solicitation be valid and irrevocable for one hundred eighty (180) calendar days.

9.6 APPLICABLE TAXES

Price Proposals shall include any and all applicable taxes. A prospective Offeror may call the Department of Taxation of the State of Hawai'i at (800) 222-3229 for assistance as to whether the State of Hawai'i general excise tax and the applicable use tax will apply to the Offeror.

9.7 INDEPENDENT PRICE DETERMINATION

By submitting a Technical and Price Proposal, the Offeror will certify that the price submitted in response to the RFP Part 2 was independently arrived at and therefore represents noncollusion certification to the City.

9.8 BID SECURITY; PERFORMANCE AND PAYMENT BONDS

Priority-Listed Offerors will be required to submit with their Technical and Price Proposal a security deposit in the amount at least five percent (5%) of the total offer. The successful Design-Builder will be required to submit with execution of the Contract agreement, bonds for performance and payment in the amounts indicated in RFP Part 2

- A) If an Offeror fails to accompany its Price Proposal with the security deposit, the Technical and Price Proposal will be deemed non-responsive in accordance with the definition of "responsive Offeror," except as provided by subsection (B) [HAR §3-122--223].
- B) If a Price Proposal does not comply with the security requirements of this Section, the Proposal will be deemed non-responsive, unless the failure to comply is determined by

the Chief Procurement Officer to be nonsubstantial where:

- 1) Only one Proposal is received and there is insufficient time to resubmit Proposals for the Contract;
 - 2) The amount of the security deposit submitted, although less than the amount required by the RFP, is equal to or greater than the difference in the price stated in the next acceptable Proposal plus an amount to cover reasonable administrative costs and expenses, including the cost of reprocurring the DB Project resulting from the failure of the bonded Offeror to enter into a Contract for the Work; or
 - 3) The security deposit becomes inadequate as a result of the correction of a mistake in the Proposal or Proposal modification if the Offeror increases the amount of security to required limits within the time specified by the Chief Procurement Officer. [HAR §3-122-223].
- C) Security deposits, under subsections (A) and (B) above, of the Priority-Listed Offerors, will be retained until execution of a Contract and deposit of the proper performance and payment bonds by the successful Design-Builder, after which time the bid deposits of the remaining Offerors will be returned.

9.9 EVALUATION OF TECHNICAL AND PRICE PROPOSALS

Evaluation of Technical and Price Proposals will be numerically scored based upon the criteria set forth in the RFP Part 2, in accordance with HAR §3-122-52 and §3-122-53.

9.10 DISCUSSIONS WITH OFFERORS

If Discussions with Offerors are required to make a selection, they will be conducted in accordance with HAR §3-122-53.

9.11 BEST AND FINAL OFFERS

If Discussions with Offerors are required, Best and Final Offers will be conducted in accordance with HAR §3-122-54.

9.12 AWARD OF CONTRACT

Award of Contract will be conducted in accordance with HAR §3-122-57.

9.13 CONTRACT TYPE

The Contract will be a fixed price, lump sum Design-Build Contract.

9.14 PROPOSAL STIPEND

The City intends to provide a stipend for Offerors on the Priority List that submit a responsive and responsible Technical and Price Proposal and that are not awarded the Design-Build Contract. The City intends to establish an amount totaling \$1,000,000 for payment of Stipends. This stipend amount will be divided equally between the Offerors on the Priority List that are not awarded the Contract that submit responsive and responsible Technical and Price Proposals. Notwithstanding the foregoing, no Offeror will receive more than \$500,000 in stipend payment.

The stipend will be payable to the Offerors not awarded the Design-Build Contract once the Design-Build Contract is awarded to the successful Offeror. In the event of a bid protest, the stipend will be payable

once the bid protest has been resolved, such that the successful Offeror can be determined.

9.15 PAYMENT AND RETAINAGE

In accordance with HRS Sections §103-32.1 and §103-32.2, the Contract will provide for periodic payments with retention as set forth in the Contract.

The Design-Builder will be required to make full payment to all Subcontractors of all monies due, including retainage, within 10 calendar days after receipt of payment from the City.

9.16 CONTRACT NOT BINDING UNLESS FUNDS AVAILABLE

In accordance with HAR §3-122-102 and §3-122-149, no Contract will be binding or have any force and effect without a certification by the Chief Procurement Officer that there is an appropriation or balance of an appropriation over and above all outstanding contracts sufficient to cover the amount required by the Contract [HAR §3-122-102].

9.17 FEDERAL FUNDING, INCORPORATION OF FTA TERMS, AND CHANGES TO FEDERAL REQUIREMENTS

The Contract will include, in part, certain Standard Terms and Conditions required by FTA, whether or not expressly set forth in the Contract provisions. All contractual provisions required by FTA, as set forth in FTA Circular 4220.1F, dated November 1, 2008 (including any changes), will be incorporated by reference. Anything to the contrary notwithstanding, all FTA mandated terms will be deemed to control in the event of a conflict with other provisions contained in the Contract. Design-Builder shall not perform any act, fail to perform any act, or refuse to comply with any City requests which would cause City to be in violation of the FTA terms and conditions. The Contract will be subject to any financial assistance agreement between City and the FTA and all laws, regulations, guidelines, and provisions of the financial assistance agreement will apply to the Contract and will be incorporated by reference as if fully set forth.

Design-Builder shall at all times comply with all applicable federal laws and regulations, including without limitation FTA regulations, policies, procedures and directives, including those listed directly or by reference in Applicable Grant Agreements between City and FTA, as they may be amended or promulgated from time to time during the term of the Contract, collectively "Federal Requirements." These Federal Requirements may change and the changed Federal Requirements will apply to this Contract as required unless the Federal Government determines otherwise. Design-Builder's failure to so comply with the Federal Requirements shall constitute a material breach of the Contract.

9.18 INSURANCE

The successful Offeror shall provide the insurance policies and coverage as will be detailed in the RFP Part 2.

9.19 EXECUTION OF CONTRACT AND BONDS

Upon award of a Contract, the Design-Builder will cause the Contract and any required bonds to be executed.

9.20 COMMENCEMENT OF WORK

Work will not commence until a Contract has been executed and availability of funds has been certified by the Chief Procurement Officer and written Notice(s) to Proceed issued. The City intends to issue multiple NTPs for various activities of the DB Project.

9.21 DEBRIEFING

- A) The purpose of a debriefing is to inform the nonselected Offerors of the basis for the source selection decision and Contract Award.
- B) A written request for a debriefing shall be made within three (3) Working Days after the posting of the Award of the Contract.
- C) Debriefing shall be held by the Chief Procurement Officer to the maximum extent practicable within seven (7) Working Days, provided the Chief Procurement Officer may determine whether to conduct individual or combined debriefings.
- D) A protest by a requestor submitted pursuant to Section 103D-701, HRS, following a debriefing must be filed within five (5) Working Days, as specified in Section 103D-303(h), HRS.

9.22 AUTHORITY TO DEBAR OR SUSPEND

The Chief Procurement Officer, in accordance with the provisions of Section 103D-702, HRS, and HAR Title 3, Subtitle 11, Chapter 126, Subchapter 2, may debar or suspend a Person for cause from consideration for award of contracts. In accordance with the Budget and Fiscal Services Policy and Procedures Manual, Index 01.10, the Chief Procurement Officer will, prior to Award of the Contract, initiate debarment proceedings against any Offeror who is currently debarred by the Federal Government as listed in the "Lists of Parties Excluded from Federal Procurement or Non-procurement Program" (see Section 4.9).

Honolulu High-Capacity Transit Corridor Project

EXHIBIT 1
OFFEROR'S CLARIFICATION REQUEST

Offeror's Name: _____

RFP #: _____

RFP Section No.	Clarification/Question

Use additional sheets as necessary.

**EXHIBIT 2
PROPOSAL FORMAT**

Qualifications Proposal Section No.	Section Title & Required Information	RFP Part 1 Reference
	Cover Letter <ul style="list-style-type: none"> Exhibit 3, Acknowledgment of Receipt of Request for Proposals, Addenda and Responses to Offeror's Clarification Requests Exhibit 4, Proposal Form 	7.6.1
Section 1	Organizational Eligibility: <ul style="list-style-type: none"> Exhibit 5, Offeror's Organization Information Exhibit 6, Information Requested of Partnerships and Corporations Exhibit 7, Principal Participant and Designer Certification If a Joint Venture, Limited Liability Company, or partnership: <ul style="list-style-type: none"> Identity of Lead Principal Participant; Percent share of each Principal Participant, if known (if a JV); and Express statement of joint and several liabilities (if a JV). 	7.6.3
Section 2	Experience of the Firms: <ul style="list-style-type: none"> Exhibit 8, Experience Exhibit 9, Subcontractor Information Exhibit 10, Past Performance Exhibit 11, Safety Questionnaire 	7.6.4
Section 3	Project Understanding: <ul style="list-style-type: none"> Discussion of ten significant issues and risks facing the selected Offeror and City; Description of how the Offeror will use its organization and the DB process to ensure a successful Project; Offeror's unique approach to identifying and implementing DB Project requirements; Briefly describe how the Offeror will deal with the unique logistical challenges and the limited local resources—both materials and labor, posed by the location of the DB Project. 	7.6.5
Section 4	Team Organizational Structure:	7.6.6

Honolulu High-Capacity Transit Corridor Project

Qualifications Proposal Section No.	Section Title & Required Information	RFP Part 1 Reference
	<ul style="list-style-type: none"> Organizational chart; and Description of significant functional relationships. 	
Section 5	Financial: <ul style="list-style-type: none"> Surety letter(s); Audited Financial Statements; Annual reports; Statement of change in stockholder equity; Letter of interest from Guarantor(s); Exhibit 12, Offeror, Principal Participants, and Guarantor Financial Data; Exhibit 13, Guarantor Commitment, if required; and Discussion of material changes over past three (3) years. 	7.6.7
Appendix A	Organizational Eligibility Documents: <ul style="list-style-type: none"> Powers of Attorney; and Verification if a Joint Venture, Limited Liability Company, or Partnership; and Details of the organizational structure and supporting organization/formation documents. 	7.6.3
Appendix B	Company Brochures	7.6.5 (B) (5)
Appendix C	Awards, Citations and Commendations	7.6.5 (B) (3)

Honolulu High-Capacity Transit Corridor Project

EXHIBIT 3
**ACKNOWLEDGMENT OF RECEIPT OF REQUEST FOR PROPOSALS, ADDENDA AND
RESPONSES TO OFFEROR'S CLARIFICATION REQUESTS**
(To be attached to Proposal Letter)

(Name of Offeror)

We hereby acknowledge receipt of the Honolulu High-Capacity Transit Corridor Project, West O'ahu/Farrington Highway Guideway Design-Build Contract RFP #_____, Part 1 dated _____, and subsequent Addenda and responses to questions issued by the City and County of Honolulu.

ADDENDUM No. Date Issued

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

(Signed)

(Date)

(Printed or Typed Name)

(Title)

West O'ahu/Farrington Highway Guideway Design-Build Contract

Honolulu High-Capacity Transit Corridor Project

EXHIBIT 4
PROPOSAL FORM

(To be attached to Proposal Letter)

HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT,
WEST O'AHU/FARRINGTON HIGHWAY GUIDEWAY DESIGN-BUILD CONTRACT

To: Division of Purchasing
Department of Budget and Fiscal Services
City and County of Honolulu
530 South King Street, Room 115
Honolulu, Hawai'i, 96813
Request for Proposal No. #RFP-DTS-0900015

From: (Offeror Name and Address)

1. **OFFEROR INFORMATION**

Name and Title of Principal to contact: _____

Business address: _____

Business telephone number: _____

Fax number: _____

Email: _____

Name/Address/Telephone Number/Fax Number/Email of contact person (if different than above): _____

West O'ahu/Farrington Highway Guideway Design-Build Contract

Honolulu High-Capacity Transit Corridor Project

The Offeror is a:

- ☐ Sole Proprietorship
- ☐ Partnership/Joint Venture
- ☐ Limited Liability Company
- ☐ Corporation

If a corporation, the corporation is a:

- ☐ Subsidiary
- ☐ Parent Company

2. PROPOSAL

This Qualifications Proposal is submitted in response to the City and County of Honolulu's Request for Proposal (RFP) No. RFP-DTS-0900015, Part 1 for the West O'ahu/Farrington Highway Guideway Design-Build Contract. The undersigned hereby declares and certifies that (1) I(we) have fully, carefully, and thoroughly examined the RFP; (2) I(we) am(are) fully satisfied with respect to any questions that could in any way affect my(our) understanding of the scope of work, my(our) duties, responsibilities, obligations and liabilities relating thereto; and (3) I(we) hereby propose to submit the documents requested by the RFP which comprise my(our) Proposal.

3. CERTIFICATION

The undersigned understands and agrees that the City and the City's employees, agents and representatives have the right to make any inquiry or investigation the City deems appropriate to substantiate or supplement information contained herein, and authorizes the release of any and all information sought in such inquiry or investigation to the City and City's, employees, agents and representatives.

The undersigned further agrees that the act of signing this form constitutes a certification that, none of the Offeror, its principals, as defined in 2 CFR 180.995, or affiliates, as defined at 2 CFR 180.905, are excluded or disqualified as defined at 2 CFR 180.940 and 180.935 or are listed on General Service Administration's Excluded Parties List System as found in 2 CFR 180 Subpart E.

The undersigned further agrees that the Offeror, or any of its associated firms, has not been or will not be paid for developing or preparing specifications or work statements for the West O'ahu/Farrington Highway Guideway Design-Build Contract solicitation package or any expected resultant contract.

West O'ahu/Farrington Highway Guideway Design-Build Contract

Honolulu High-Capacity Transit Corridor Project

IN WITNESS WHEREOF, the undersigned, being duly authorized to do so, has executed this Proposal Form on behalf of _____

this _____ day of

_____, 200_.

When the Offeror is an individual:

By: _____
(Signature of Individual)

By: _____
(Printed Name of Individual)

(Address)

ACKNOWLEDGMENT:

STATE OF _____

COUNTY OF _____

On this _____ day of _____ A.D., 200_, before me personally appeared _____, to me individually as aforesaid, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that said person executed the same as said person's free act and deed, as such individual and as such Trustee.

Notary Public

State of _____ at large

My Commission expires _____

West O'ahu/Farrington Highway Guideway Design-Build Contract

Honolulu High-Capacity Transit Corridor Project

NOTARY CERTIFICATE (Hawai'i Administrative Rules §5-11-8)

Document Identification Description: _____

Doc. Date: _____ No. Pages: _____ Jurisdiction: _____

Signature of Notary

Date of Certificate

(Official Stamp or Seal)

Printed Name of Notary

West O'ahu/Farrington Highway Guideway Design-Build Contract

Honolulu High-Capacity Transit Corridor Project

IN WITNESS WHEREOF, the undersigned, being duly authorized to do so, has executed this Proposal Form on behalf of _____
this _____ day of _____, 200_.

When the Offeror is a sole proprietorship or operates under a trade name:

(Printed Name of Firm)

By: _____
(Signature of Individual)

By: _____
(Printed Name of Individual)

(Address)

ACKNOWLEDGMENT:

STATE OF _____

COUNTY OF _____

On this _____ day of _____ A.D., 200_, before me personally appeared _____, to me individually as aforesaid, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that said person executed the same as said person's free act and deed, as such individual and as such Trustee.

Notary Public

State of _____ at large

My Commission expires _____

West O'ahu/Farrington Highway Guideway Design-Build Contract

Honolulu High-Capacity Transit Corridor Project

NOTARY CERTIFICATE (Hawai'i Administrative Rules §5-11-8)

Document Identification Description: _____

Doc. Date: _____ No. Pages: _____ Jurisdiction: _____

Signature of Notary

Date of Certificate

(Official Stamp or Seal)

Printed Name of Notary

Honolulu High-Capacity Transit Corridor Project

IN WITNESS WHEREOF, the undersigned, being duly authorized to do so, has executed this Proposal Form on behalf of _____
this _____ day of _____, 200_.

When the Offeror is a partnership: (All authorized representatives of the partnership and authorized representative(s) of all partners must sign. Attach a fully executed appropriate signature page for each partner):

(Printed Name of Partnership)

By: _____
(Signature of Partner)

By: _____
(Printed Name of Partner)

(Address)

ACKNOWLEDGMENT:

STATE OF _____

COUNTY OF _____

On this _____ day of _____ A.D., 200_, before me personally appeared _____, to me individually as aforesaid, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that said person executed the same as said person's free act and deed, as such individual and as such Trustee.

Notary Public

State of _____ at large

My Commission expires _____

West O'ahu/Farrington Highway Guideway Design-Build Contract

Honolulu High-Capacity Transit Corridor Project

NOTARY CERTIFICATE (Hawai'i Administrative Rules §5-11-8)

Document Identification Description: _____

Doc. Date: _____ No. Pages: _____ Jurisdiction: _____

Signature of Notary

Date of Certificate

(Official Stamp or Seal)

Printed Name of Notary

Honolulu High-Capacity Transit Corridor Project

IN WITNESS WHEREOF, the undersigned, being duly authorized to do so, has executed this Proposal Form on behalf of _____
this _____ day of _____, 200_.

When the Offeror is a joint venture: (An authorized representative of the joint venture and authorized representative(s) of all joint venture members must sign. Attach a fully executed appropriate signature page for each of the joint venturers):

(Printed Name of Joint Venture)

(Business Address of Joint Venture)

By: _____
(Signature of Partner)

By: _____
(Printed Name of Partner)

ACKNOWLEDGMENT:

STATE OF _____

COUNTY OF _____

On this _____ day of _____ A.D., 200_, before me personally appeared _____, to me individually as aforesaid, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that said person executed the same as said person's free act and deed, as such individual and as such Trustee.

Notary Public

State of _____ at large

My Commission expires _____

West O'ahu/Farrington Highway Guideway Design-Build Contract

Honolulu High-Capacity Transit Corridor Project

NOTARY CERTIFICATE (Hawai'i Administrative Rules §5-11-8)

Document Identification Description: _____

Doc. Date: _____ No. Pages: _____ Jurisdiction: _____

Signature of Notary

Date of Certificate

(Official Stamp or Seal)

Printed Name of Notary

Honolulu High-Capacity Transit Corridor Project

IN WITNESS WHEREOF, the undersigned, being duly authorized to do so, has executed this Proposal Form on behalf of _____
this _____ day of _____, 200_.

When the Offeror is a corporation:

(Corporate Name)

(Corporate Address)

By: _____
(Signature of Officer)

By: _____
(Printed Name of Officer)

(Title)

Attest: _____

(Secretary)

Witness

ACKNOWLEDGMENT:

STATE OF _____

COUNTY OF _____

On this _____ day of _____ A.D., 200_, before me personally appeared _____ and _____, individually and as Trustees as aforesaid, to me known to be the individuals described in and who executed the foregoing instrument as the _____ and the Secretary of the above named _____ as such _____ and Secretary, respectively, of said corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and it was affixed to said instrument by due and regular corporate authority, and said instrument is the free act and deed of said corporation.

Notary Public

State of _____ at large

My Commission expires _____

West O'ahu/Farrington Highway Guideway Design-Build Contract

Honolulu High-Capacity Transit Corridor Project

NOTARY CERTIFICATE (Hawai'i Administrative Rules §5-11-8)

Document Identification Description: _____

Doc. Date: _____ No. Pages: _____ Jurisdiction: _____

Signature of Notary _____ Date of Certificate _____

_____ (Official Stamp or Seal)

Printed Name of Notary _____

Honolulu High-Capacity Transit Corridor Project

EXHIBIT 5
OFFEROR'S ORGANIZATION INFORMATION

OFFEROR:			
Name of Entity: _____ Address: _____ _____ Contact Name: _____ Title: _____ Telephone No.: _____ Fax No.: _____ E-mail: _____			
LOCAL/REGIONAL CONTACT:			
Name: _____ Address: _____ _____ Telephone No.: _____ Fax No.: _____ E-mail: _____			
PERSON AUTHORIZED TO SIGN PROPOSAL ON BEHALF OF OFFEROR:			
Name: _____ Address: _____ _____ Telephone No.: _____ Fax No.: _____ E-mail: _____			
NAME(S) OF OFFEROR ENTITY(IES):			
Company Name	Address, Telephone and Fax No.	State of Incorporation	Percent Share
Principal Participant(s)			
Designer(s)			
Quality Control Firm			
Other Firm(s)			

EXHIBIT 6
INFORMATION REQUESTED OF PARTNERSHIPS AND CORPORATIONS

If the Offeror is a **partnership**, answer the following:

1. Date of Organization _____
2. General Partnership ()
Limited Partnership ()
Other () Describe _____
3. Statement of Partnership recorded? Yes () No ()

Date	Book	Page	Country
------	------	------	---------

4. Has the partnership done business in the State of Hawai'i?
Yes () No () When? _____
Where? _____

5. Name, address, and partnership share of each general and limited partner.

General/ Limited	Name	Address	Share
			%
			%
			%
			%

6. Attach a complete copy of the Partnership Agreement (does not apply to page limitation).

If the Offeror is a **corporation**, answer the following:

1. When incorporated? _____
2. Where incorporated? _____
3. The corporation is held: Publicly () Privately ()
4. The average number of employees over the past five years: _____
5. Has the corporation done business in the State of Hawai'i?
Yes () No () When? _____
Where? _____

6. Attach a copy of the corporation's Articles of Incorporation (does not apply to page limitation).

West O'ahu/Farrington Highway Guideway Design-Build Contract

EXHIBIT 7
PRINCIPAL PARTICIPANT AND DESIGNER CERTIFICATION

Complete for **each** Principal Participant and Designer.

1. Has the firm* ever failed to complete any work it agreed to perform, or had a contract terminated because it was in default? If yes, describe.
2. Has the firm* or any officer thereof been indicted or convicted of bid- or contract-related crimes or violations or any felony or misdemeanor related to performance under a contract within the past five years? If yes, describe.
3. Has the firm* ever sought protection under any provision of any bankruptcy act? If yes, describe.
4. Has the firm* ever been debarred or suspended from performing work for the federal government or any state or local government? If yes, describe.
5. List on a separate page up to five financial institutions with which the firm* has done the most business during the past five years and identify the individual at each institution who was in charge of the firm's accounts. Indicate the address, telephone and fax numbers of each individual.

I declare under penalty of law that the foregoing is true and correct to the best of my knowledge.

(Must be signed by an authorized officer of the firm)

Signature: _____

Date: _____

Firm: _____

By: _____

Title: _____

Name of Offeror: _____

* (Note: "firm" includes the Principal Participant or Designer, and any of their Affiliates, including parent companies or subsidiary companies.)

Honolulu High-Capacity Transit Corridor Project

ACKNOWLEDGMENT:

STATE OF _____

COUNTY OF _____

On this _____ day of _____ A.D., 200_, before me personally appeared _____, to me individually and as Trustee as aforesaid, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that said person executed the same as said person's free act and deed, as such individual and as such Trustee.

Notary Public

State of _____ at large

My Commission expires _____

NOTARY CERTIFICATE (Hawai'i Administrative Rules §5-11-8)

Document Identification Description: _____

Doc. Date: _____ No. Pages: _____ Jurisdiction: _____

Signature of Notary

Date of Certificate

Printed Name of Notary

(Official Stamp or Seal)

Honolulu High-Capacity Transit Corridor Project

EXHIBIT 8
EXPERIENCE

Name of Offeror: _____

Name of Firm: _____	
Project Role: Principal Participant: ____ Designer: ____ Quality Control Engineering Firm: ____ Other (Describe): _____	
Years of Experience: Roads/Streets: ____ Bridges/Structures: ____ Utility Relocations: ____ Trackwork: _____	
<i>Project name, location, description and nature of work for which firm was responsible:</i> 	
<i>Describe site conditions:</i> 	
<i>Describe new or innovative techniques used:</i> 	
Name of Client (Owner/Agency, Contractor, etc.): _____ Address: _____ _____	
Contact Name: _____	Telephone: _____
Owner's Project or Contract No.: _____	Fax No: _____
Contract Value (US\$): _____	Final Value (US\$): _____
Percent of Total Work Performed by Company: _____	Commencement Date: _____
Planned Completion Date: _____	Actual Completion Date: _____
Amount of Claims (US\$): _____	Any Litigation? Yes ____ No ____

West O'ahu/Farrington Highway Guideway Design-Build Contract

EXHIBIT 9
SUBCONTRACTOR INFORMATION

Name of Offeror: _____

SUBCONTRACTOR NAME	ADDRESS AND PHONE NUMBER	NATURE OF WORK TO BE PERFORMED	YEARS OF RELATED EXPERIENCE	LICENSE NUMBER

Notes:

- (1) As a minimum, list specialty subcontractors, except the Designer and Quality Control Engineering Firm.
- (2) Attach maximum of one page summary of subcontractor experience for each subcontractor listed, including subconsultants.

Honolulu High-Capacity Transit Corridor Project

EXHIBIT 10
PAST PERFORMANCE

Awards, Citations and/or Commendations

Firm Name	Name of Award, etc.	Year Received	Project and Location	Work for Which Award, etc. Received

Contract Claims, Dispute Proceedings, Litigation and Arbitration

Firm Name	Project/Issue	Owner/ Agency Initiated Action	Resolution/Outcome	Indicate if Unresolved or Pending Action	Current Owner Contact Name, Phone and Fax Nos.

Liquidated Damages

Firm Name	Project Name	Cause of Delay(s)	Amount Assessed	Describe Outstanding Damage Claims by Any Owner	Current Owner Contact Name, Phone and Fax Nos.

Termination for Cause or Default

Firm Name	Project	Describe Reason for Termination	Dollar Amount Involved	Current Owner Contact Name, Phone and Fax Nos.

Disciplinary Action, Fines and/or Penalties

Firm Name	Project	Describe Action Taken	Current Owner Contact Name, Phone and Fax Nos.

Honolulu High-Capacity Transit Corridor Project

EXHIBIT 11 SAFETY QUESTIONNAIRE

Offeror's Name: _____

Principal Participant's Name: _____

1. Provide the following information for the last five calendar years:

Item	2004	2005	2006	2007	2008
Employee hours worked (Do not include non-work time, even though paid)					
Number of lost workday cases					
Number of restricted workday cases					
Number of cases with medical attention only					
Number of fatalities					
Workers' Compensation Experience Modification Factor					

2. Are internal accident reports and report summaries sent to management? To what levels and how often?

Position	No	Yes	Monthly	Quarterly	Annually

3. Do you hold site meetings for supervisors? Yes _____ No _____

How Often: Weekly _____ Bi-Weekly _____ Monthly _____ Less often/as needed _____

4. Do you conduct Project Safety Inspections? Yes _____ No _____

By Whom: _____

How Often: Weekly _____ Bi-Weekly _____ Monthly _____

5. Does the firm have a written Safety Program? Yes _____ No _____

Creation/Revision Date: _____

6. Does the firm have an Orientation Program for new hires? Yes _____ No _____

If yes, what safety items are included:

West O'ahu/Farrington Highway Guideway Design-Build Contract

Honolulu High-Capacity Transit Corridor Project

7. Does the firm have a program for newly hired or promoted foremen? Yes ____ No ____

If yes, does it include instruction of the following?

Topic	Yes	No
Safety Work Practices		
Safety Supervision		
On-site Meetings		
Emergency Procedures		
Accident Investigation		
Fire Protection and Prevention		
New Worker Orientation		

8. Does the firm hold safety meetings which extend to the laborer level? Yes ____ No ____

How often: Daily ____ Weekly ____ Bi-Weekly ____ Less often, as needed ____

EXHIBIT 12
OFFEROR, PRINCIPAL PARTICIPANTS AND GUARANTOR FINANCIAL DATA

Offeror's Name: _____

Name of Firm:		
Bank References:		
<u>Name</u>	<u>Address</u>	
Credit Sources:		
<u>Name</u>	<u>Addresses</u>	<u>Amount</u>

Honolulu High-Capacity Transit Corridor Project

	Financial Statement in US\$ Millions				
	<u>Financial Statement</u>				
	Last 5 Years				
	200_	200_	200_	200_	200_
1. Total Assets	_____	_____	_____	_____	_____
2. Current Assets	_____	_____	_____	_____	_____
3. Total Liabilities	_____	_____	_____	_____	_____
4. Current Liabilities	_____	_____	_____	_____	_____
5. Net Worth (1-3)	_____	_____	_____	_____	_____
6. Intangible Assets	_____	_____	_____	_____	_____
7. Tangible Net Worth (5-6)	_____	_____	_____	_____	_____
8. Working Capital (2-4)	_____	_____	_____	_____	_____
Exchange Rate used (if applicable):					
200_ : _____ 200_ : _____ 200_ : _____ 200_ : _____ 200_ : _____					
Annual Contracting Income for the last five financial years (US\$):					
200_ : _____		200_ : _____			
200_ : _____		200_ : _____			
200_ : _____		Total: _____			

West O'ahu/Farrington Highway Guideway Design-Build Contract

Honolulu High-Capacity Transit Corridor Project

EXHIBIT 13
GUARANTOR COMMITMENT

Director, Department of Budget and Fiscal Services
Honolulu High-Capacity Transit Corridor Project

We, _____, as Guarantor, are willing to guarantee the financial capacity of _____ (Name of Offeror or Principal Participant) in the amount of (US\$) _____ for the Honolulu High-Capacity Transit Corridor Project, West O'ahu/Farrington Highway Guideway Design-Build Contract.

Signed:

Title:

Date:

ACKNOWLEDGMENT:

STATE OF _____

COUNTY OF _____

On this _____ day of _____ A.D., 200_, before me personally appeared _____, to me individually and as Trustee as aforesaid, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that said person executed the same as said person's free act and deed, as such individual and as such Trustee.

Notary Public

State of _____ at large

My Commission expires _____

West O'ahu/Farrington Highway Guideway Design-Build Contract

Honolulu High-Capacity Transit Corridor Project

NOTARY CERTIFICATE (Hawai'i Administrative Rules §5-11-8)

Document Identification Description: _____

Doc. Date: _____ No. Pages: _____ Jurisdiction: _____

Signature of Notary

Date of Certificate

(Official Stamp or Seal)

Printed Name of Notary

West O'ahu/Farrington Highway Guideway Design-Build Contract

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

ADDENDUM NO. 1

TO THE

REQUEST FOR PROPOSALS

FOR THE

HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT
WEST O'AHU/FARRINGTON HIGHWAY GUIDEWAY DESIGN-BUILD CONTRACT
REQUEST FOR PROPOSAL NO. RFP-DTS-0900015

ISSUED: February 13, 2009

NOTICE TO ALL PROSPECTIVE OFFERORS

This Addendum is hereby made a part of the Request for Proposals for HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT WEST O'AHU/FARRINGTON HIGHWAY GUIDEWAY DESIGN-BUILD CONTRACT, and it shall amend the said Request for Proposals in the following respects.

ITEM NO. 1 – SECTION 6.1, PRE-PROPOSAL CONFERENCE

Delete in its entirety and replace with the following:

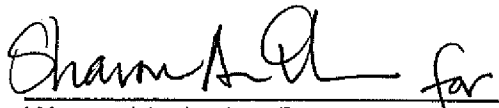
A pre-proposal conference to respond to questions from Persons interested in submitting Proposals will be held. Although attendance is not mandatory, all interested Offerors are encouraged to attend. Those Offerors wishing to attend meeting should communicate their intentions, via e-mail, by **February 17, 2009**, to ***transitmailbox@honolulu.gov***. In addition to the sender's e-mail address, the e-mail should include the number of attendees. Attendees may also e-mail advance questions to the City, which may be addressed during the meeting.

Date of Meeting: February 18, 2009
Time of Meeting: 1:30 p.m. – 3:00 p.m.
Place of Meeting: Neal S. Blaisdell Center, Hawai'i Suite
777 Ward Avenue
Honolulu, Hawai'i 96814

ITEM NO. 2 – EXHIBITS 1 THROUGH 13


Exhibits 1 through 13 are available for download in fillable, Word format.

APPROVED:


Wayne Yoshioka, Director
Department of Transportation Services



APPROVED:


Rix Maurer III, Director
Department of Budget and Fiscal Services

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

ADDENDUM NO. 2

TO THE

REQUEST FOR PROPOSALS

FOR THE

HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT
WEST O'AHU/FARRINGTON HIGHWAY GUIDEWAY DESIGN-BUILD CONTRACT
REQUEST FOR PROPOSAL NO. RFP-DTS-0900015

ISSUED: February 26, 2009

NOTICE TO ALL PROSPECTIVE OFFERORS

This Addendum is hereby made a part of the Request for Proposals for HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT WEST O'AHU/FARRINGTON HIGHWAY GUIDEWAY DESIGN-BUILD CONTRACT, and it shall amend the said Request for Proposals in the following respects.

ITEM NO. 1 – SECTION 3.0 DEFINITIONS

Add the following definition:

"Quality Control Engineering Firm" means an independent engineering/testing firm employed by the Design-Builder responsible for administering and managing the construction QC inspection, sampling and testing specified in the Contract Documents. The QC Engineering Firm shall not be owned in any part or controlled by any Principal Participant, or by any construction Subcontractor. The Designer or a firm associated with or subsidiary to the Designer, may serve as the QC Engineering Firm, except any Designer who is a Principal Participant or any Designer (or subsidiary of a Designer) that is an Affiliate of any Principal Participant or construction Subcontractor shall not serve in the capacity of the QC Engineering Firm."

ITEM NO. 2 – SECTION 4.1, HHCTCP DESCRIPTION

Delete the second paragraph in its entirety and replace with the following:

"The HHCTCP will be constructed in segments. Construction of the first segment (see Section 4.5) is expected to be completed in 2013 and operational in 2014. The remainder of the HHCTCP is expected to be built in three segments with final completion in 2018."

ITEM NO. 3 – SECTION 4.3, DB PROJECT GOALS

Delete subparagraph A in its entirety and replace with the following:

"Deliver the DB Project in accordance with the Contract no later than forty months after NTP, within budget;"

ITEM NO. 4 – SECTION 4.6.2, Guideway

Delete subparagraph B in its entirety and replace with the following:

"Design and install track and special trackwork, including third rail traction power; however, the supply of trackwork will be under separate contract(s);"

ITEM NO. 5 – SECTION 4.8, TERM OF CONTRACT

Delete the first paragraph in its entirety and replace with the following:

"The term of the Contract is expected to extend from November 2009 through July 2013, or as otherwise mutually agreed in writing. The Contract is subject to the availability of funds."

ITEM NO. 6 – SECTION 6.9, SUSPENSION AND DEBARMENT

Delete in its entirety and replace with the following:

"In accordance with 2 CFR 1200 the Design-Builder is required to verify that none of the Design-Builder, its principals, as defined in 2 CFR 180.995, or affiliates, as defined at 2 CFR 180.905, are excluded or disqualified as defined at 2 CFR 180-945 and 180.935. The Design-Builder is required to comply with 2 CFR 1200, Subpart C and must include the requirements to comply with 2 CFR 1200, Subpart C in any lower tier covered transaction it enters into. By signing and submitting its Proposal, the Offeror certifies to these requirements."

ITEM NO. 7 -- SECTION 6.14, ORGANIZATIONAL CONFLICT OF INTEREST AND NON-DISCLOSURE REQUIREMENTS

Subparagraph C add the following to the last sentence:

"in accordance with HRS §103D-405(d) and Hawaii Administrative Rules §3-122-13(e) & Exhibit 4

ITEM NO. 8 – SECTION 7.6.4, Organizational Eligibility (Section 1)

Delete subparagraph C, subsection 4 in its entirety and replace with the following:

"Identify full details of the organization structure and provide in Appendix A to the Qualifications Proposal supporting organization/formation documents, including a copy, as applicable of the JV agreement, LLC operating agreement, or partnership agreement."

ITEM NO. 9 – SECTION 7.6.8, Financial Capacity (Section 5)

Subparagraph B, subsection 1a, add the following as the last sentence:

"Complete financial statements do not count toward the page count limitation."

ITEM NO. 10 – SECTION 7.6.8, Financial Capacity (Section 5)

Subparagraph B, subsection 1b, add the following as the last sentence:

"Annual reports do not count toward the page count limitation."

ITEM NO. 11 – SECTION 8.2.1, RESPONSIVE/NON-RESPONSIVE CRITERIA

Delete subparagraph C in its entirety and replace with the following:

"Bonding and Liquid Net Assets (Responsive or Non-Responsive). The Offeror shows evidence of its ability to provide required bonds. The Offeror shows evidence of its ability to meet the minimum Liquid Net Assets specified in Section 7.6.8, subparagraph B, subsection 1e, or satisfies such criteria as described in subsections 1d and 1f."

ITEM NO. 12 – EXHIBIT 4

Delete in its entirety and substitute with the attached Exhibit 4.

ITEM NO. 13 – EXHIBIT 6

Delete in its entirety and substitute with the attached Exhibit 6.

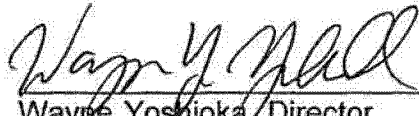
ITEM NO. 14 – EXHIBIT 8

Delete in its entirety and substitute with the attached Exhibit 8.

ITEM NO. 15 – EXHIBIT 1


Exhibit 1 is for questions/clarification requests only. Such request should be received no later than February 25, 2009.

APPROVED:


Wayne Yoshioka, Director
Department of Transportation Services

Attachs.

APPROVED:


Rix Maurer III, Acting Director
Department of Budget and Fiscal Services

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

ADDENDUM NO. 3

TO THE

REQUEST FOR PROPOSALS

FOR THE

HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT
WEST O'AHU/FARRINGTON HIGHWAY GUIDEWAY DESIGN-BUILD CONTRACT
REQUEST FOR PROPOSAL NO. RFP-DTS-0900015

ISSUED: MAR 2 2009

NOTICE TO ALL PROSPECTIVE OFFERORS

This Addendum is hereby made a part of the Request for Proposals for HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT WEST O'AHU/FARRINGTON HIGHWAY GUIDEWAY DESIGN-BUILD CONTRACT, and it shall amend the said Request for Proposals in the following respects.

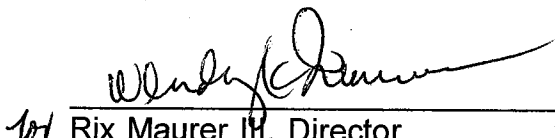
This addendum issues the attendee list for the pre-proposal conference which was held on February 18, 2009. The address fields have been omitted in accordance with Hawaii Revised Statutes, Chapter 92F. A summary of the pre-proposal conference will be issued in a later addendum.

APPROVED:


Wayne Yoshioka, Director
Department of Transportation Services

Attachs. 

APPROVED:


for Rix Maurer III, Director
Department of Budget and Fiscal Services

Honolulu On The Move

Pre-Proposal Conference

Wednesday, February 18, 2009

Company Name	Contact Person	Email Address	Mailing Address
CORPRO	LARRY PANTANO		
HMS CONSTRUCTION INC.	MICHAEL HIGH		
WAPA Elec. SERVICES INC.	ERWIN MATEO		
PRSS & J	John Haussmann		
HELIX ELECTRIC	STEVE RICKETSON		
GOODFELLOW BROS. GOODFELLOW BROS. INC.	Carmel Potterson		
GOODFELLOW BROS.	LEIF SJOSTRAND		
BOMBARDIER TRANS	Bruce LARSEN		
Michael Knight Entorp.	Michael Knight		
DISTRICT COUNCIL 50	JADE VILLANUEVA		

Honolulu On The Move



Pre-Proposal Conference

Wednesday, February 18, 2009

Company Name	Contact Person	Email Address	Mailing Address
Teamsters Local 996	Glenn Ida		
SNC-Lavalin	Nuno Pereira		
FLUOR	Roy Yee		
ADCC	Mike Nakamura		
WATTS Constructors	Dan W.		
A.C. Kobayashi	Melanye		
Delta Const.	Marty Miller		
AECOM	Martin Nakamura		
Makai Container	Paul Ah Yat		
Henkels & McCoy	Keola Rosario		

Honolulu On The Move



Pre-Proposal Conference

Wednesday, February 18, 2009

Company Name	Contact Person	Email Address	Mailing Address
Wilson Okamoto Corp	Ernie Takahashi		
ALBERT C KOBAYASHI	WES TSISUI		
Shimmick Construction	Andy Sloane		
More Assoc ALEXANDER	Alex Causon		
Boys BOYER KUBOTA	Michael Sperry		
Pacific Resource Partnership	Joshua Mayo		
Delta Const Corp	Tim Malone		
Holophei	Stephonia Den		
MENEIL WILSON COMMUNICATIONS	David Wilson		
Makai Construction	Paul Mufet		

Honolulu On The Move

Pre-Proposal Conference
Wednesday, February 18, 2009

Company Name	Contact Person	Email Address	Mailing Address
AMEC E&E	Eric Wetzstein		
GOODFELLOW BROS., INC.	ALFRED CHEN		
FLATIRON	CURTIS WETZ		
Wilson Okamoto Corp	Mike Fujita		
Brad Shinn	CHZM HILL		
CHZM HILL	TOM RAGLAND		
HIRATA & ASSOC	PAUL MORIMOTO		
BRIAN LEE IBEW 1186	BRIAN LEE		
WDC	BARRY TOYOTA		
BOWERS + KUBOTA CONSULTING	DEXTER KUBOTA		

Honolulu On The Move



Pre-Proposal Conference

Wednesday, February 18, 2009

Company Name	Contact Person	Email Address	Mailing Address
AMEC Earth & Environmental, Inc.	Jim Dransfield		
Goodfellow Bros. Inc.	Greg Peterson		
Ledcor Construction	Jeff Thompson		
Kiewit	Kelley Adams		
Architects Hawaii	Stan Yasukawa		
SHIMMICK	DAVE WANDERLUG		
Hawin Deedman Const. Co.	EUGENE KUMASAWA		
Albert C. Kobayashi, Inc.	Russell Young		
SSFM	NORM KANEHUKU		
Hatch Mott MacDonald	Cliff Marshall		

Honolulu On The Move



Pre-Proposal Conference

Wednesday, February 18, 2009

Company Name	Contact Person	Email Address	Mailing Address
SSEM	Mike Matsumoto		
PARSONS	GREG ORSOLINI		
Perini/Tutor-Saliba	Steve Lewis		
KIEWIT	JOHN BLEY		
Wilson Okamoto	Elly Okamoto		
FLATIRON	Walter Chin		
KIEWIT	FERNANDO DELEGA		
CH2M HILL	JOE SHOWERS		
HAWAIIAN DRILLING	Kenneth Terzaga		
Suntech Hawaii	Garrett Miyake		

Honolulu On The Move



Pre-Proposal Conference

Wednesday, February 18, 2009

Company Name	Contact Person	Email Address	Mailing Address
Drill Pro. Co	Bruce St Germa		
MENARD'S RAILROAD MATERIALS	MANNY MENARD		
URS Corp	Richard Speer		
GLEN KANEHIGE			
NORDIC PCL	GLEN KANEHIGE		
Parsons	Bob Sergeant		
Figg	Jose Rodriguez		
SCOTT JENNINGS	JENNINGS PACIFIC LLC		
JUAN PULIDO	4		
WATKINS	Les Fink		

Honolulu On The Move

Pre-Proposal Conference
Wednesday, February 18, 2009

Company Name	Contact Person	Email Address	Mailing Address
LESLIE'S DRILLING GEOTECHNICAL II	HOWARD LESLIE		
Delta Railroad Construction	Linda Laurello Mickay Laurello		
PARSONS	J.C. BRUMMOND		
HELIIX ELECTRIC	KERRY FROST		
INTERMOUNT CONSULTANTS	RUSSELL HUNN		
GBI	MARK KLINE		
JAD & Associates, LLC	Josephine M. Bayan		
ALDRIDGE Electric	THOMAS McIndoe		
3M	Robert NEHMAD		
ERM-WEST, INC	AGNE REYES		

Honolulu On The Move



Pre-Proposal Conference

Wednesday, February 18, 2009

Company Name	Contact Person	Email Address	Mailing Address
BOMBARDIER	JOHN MCGINLEY		
GOOD FELLOW BROS	CONNAN PINKSTON		
District Council 50	Jade Villanueva		
Sam O. Hinoj	DENIS HINOJ		
CEC BRS	Wendy Imamura		
Nordic PCL	Fred Auch		
OBAKASHI	NAOHITO NAKAMURA		
J A D	J. Ramos		
Nordic PCL	TIMOTHY GATIE		
WASA ELECTRIC	RON YEE		

Honolulu On The Move



Pre-Proposal Conference

Wednesday, February 18, 2009

Company Name	Contact Person	Email Address	Mailing Address
Akinaka & Assoc. Ltd	Sheldon Yamasato		
Amy Kondo			
Loomis-ISC	Scott Foster		
dca pacific construction ROLLAND B.	ROLLAND BARRIA		
T.Y. WINTL	JOE TOGNOLI		
BRETT WILCOX Const Inc	BRYAN MUKAI		
Rolland B. Kiewit Pacific Co	BEN PROCK		
Broad Hill Inc	Gregg Kodama		
SENNET GROUP	JOAN SENNET		
HNTB	Brian Doyle		

Honolulu On The Move

Pre-Proposal Conference

Wednesday, February 18, 2009

Company Name	Contact Person	Email Address	Mailing Address
NORDIC PCL PACIFIC OCEANO	RICK CRAIG		
City & County	Karen Terry		
ODAYASHI-CORP	JAY CAVEN		
JAD'S Associates	Gina Olay		
A/B-CITC	Buzz Hong		
REL	Renee Moore		
Anderson Drilling	Dennis Polansky		
Anderson Drilling	Mike St. Germain		
KIEWIT	ARON OSKIO		
URS	NEIL KANEKAWA		

Honolulu On The Move

Pre-Proposal Conference
Wednesday, February 18, 2009

Company Name	Contact Person	Email Address	Mailing Address
KIEWIT	RALPH SALAMIE		
Hawaiian Dredging	Rudy Morishita		
Shimmick Construction	Paul Camar		
Coastal Project Controls	Brook Maple		
PARSONS	DENNET AZUMA		
SUNETRIC	TOJO GEORGIOU		
LPR INC	JEFF MORRELL		

Honolulu On The Move

Pre-Proposal Conference
Wednesday, February 18, 2009

Company Name	Contact Person	Email Address	Mailing Address
HAWAIIAN BRIDGE CONSTRUCTION CO.	Ray Ramirez		
GPRM PRESS	Amy Boyd		
NUPRECON LP	DARYL KRAE		
Yogi Kwong Engrs	Dave Yogi		
HAWAIIAN Ironworkers Union	Arnold Wong		

Honolulu On The Move



Pre-Proposal Conference
Wednesday, February 18, 2009

Company Name	Contact Person	Email Address	Mailing Address
B. Shinnick	Bill Corn		
WATTS	Fred Hornum		
Danisco Techn.	D. TASSIA		
Hatch Mott MacDonald	Steve Mason		



Pre-Proposal Conference

Wednesday, February 18, 2009

Company Name	Contact Person	Email Address	Mailing Address
HMM	Farhad Hourbakhsh		
IBEN 1186	DAMIAN KIM		

Honolulu On The Move



Pre-Proposal Conference
Wednesday, February 18, 2009

Company Name	Contact Person	Email Address	Mailing Address
HATCH MOTT MACDONALD	CHRIS METZGER		

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

ADDENDUM NO. 4

TO THE

REQUEST FOR PROPOSALS

FOR THE

HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT
WEST O'AHU/FARRINGTON HIGHWAY GUIDEWAY DESIGN-BUILD CONTRACT
REQUEST FOR PROPOSAL NO. RFP-DTS-0900015

ISSUED: March 4, 2009

NOTICE TO ALL PROSPECTIVE OFFERORS

This Addendum is hereby made a part of the Request for Proposals for HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT WEST O'AHU/FARRINGTON HIGHWAY GUIDEWAY DESIGN-BUILD CONTRACT, and it shall amend the said Request for Proposals in the following respects.

ITEM NO. 1 – QUESTIONS AND ANSWERS

The following questions were received from prospective offerors, the City's response follows:

QUESTION #1

Will you post the pre-bid meeting/site visit attendee lists on the purchasing website?

RESPONSE #1

Yes. An attendee list with the names of firms represented will be issued as Addendum No. 3 and will be available for downloading on the purchasing website.

QUESTION #2

Will the RFQ Holder's list be posted on your website?

RESPONSE #2

The solicitation to which the question refers is an RFP. No. A list of RFP holders will not be posted on the purchasing website.

QUESTION #3

Will the major portion of the electrical work (systems – ductbank, traction power substations, etc) for the Rail Transit project be issued for the RFP and award under a separate contract other than this one?

RESPONSE #3

This contract will have electrical work (ductbank and lighting), but most of the electrical work will be awarded as part of the Systems contract (a different contract).

QUESTION #4

Section 4.3 (A) & Section 4.8: The City's goal is for project delivery in accordance with the contract no later than December 31, 2011 whereas Section 4.8 states the term of the contract to extend from November 2009 through December 31, 2012. Please clarify owner's expectation and explain the differences in the two dates. Please define project delivery if the December 31, 2011 date is expected.

RESPONSE #4

The dates have been revised in Addendum No. 2. We expect the contract to be completed in mid-2013.

QUESTION #5

Section 4.4.1: Does scoring on RFP Phase I translate any value onto Phase 2 scoring? What part or parts of Phase I will carry over into Phase 2?

RESPONSE #5

No scoring in RFP Part 1 will carry over into RFP Part 2.

QUESTION #6

Sections 7.6.7 (B) & 8.2.2 (C): Please clarify owner's expectation on the relationship between Design Quality Assurance, Design Quality Control, Construction Quality Assurance, Construction Quality Control, Materials Sampling and Testing and Environment Compliance. More specifically is there any restriction by the City on these relationships coming from the project team members or do they need to be independent companies? Are there any ISO 9000 requirements and/or certifications?

RESPONSE #6

*The City expects the Design-Builder to have an independent Quality Control Engineering Firm. The definition of "**Quality Control Engineering Firm**" has been addressed in Addendum No. 2.*

There are no ISO 9000 requirements or certifications.

QUESTION #7

Section 4.1: What specific FTA requirements will be incorporated into the Design Build contract?

RESPONSE #7

The required clauses will be included in RFP Part 2. FTA Circular 4220.1F Third Party Contracting Guidance, Appendix D is a list of Federally Required and Other Model Clauses.

QUESTION #8

Section 4.1: Will there be DBE goals?

RESPONSE #8

That determination will be made in RFP Part 2.

QUESTION #9

Is there a list of prime contractors looking at this project?

RESPONSE #9

We do not have a list of potential prime contractors for the project. A summary of the pre-proposal conference held February 18, 2009 and a list of attendees will be provided as an addendum to RFP Part 1. The list will identify the firms who had attendees the pre-proposal conference.

QUESTION #10

Sections 7.6.4 (B)(4) & 7.6.5 (B)(1): Is Exhibit 8, Experience, required to be included in Section 1 or Section 2 of the proposal package?

RESPONSE #10

Exhibit 8 is to be included in Section 2 (see Exhibit 2)

QUESTION #11

Can Exhibit 8 be replaced with a document prepared by the Joint Venture containing the same information?

RESPONSE #11

No. Please use Exhibit 8 included in the package.

QUESTION #12

Section 7.6.4 (C)(4): Does the Joint Venture Agreement count toward the page count? If so, will an abridged version suffice?

RESPONSE

No, it does not count toward the page limit. An abridged version will not suffice.

QUESTION #13

Sections 7.6.8 (B)(1)(a) & 7.6.8 (B)(1)(b): Do financial documents count toward the page count? If so, will a balance sheet suffice?

RESPONSE #13

No, financial documents referenced in these sections do not count toward the page count.

QUESTION #14

Can Exhibit Forms be made available in electronic format (word document or the like) for ease of editing?

RESPONSE #14

The Exhibits are available in MS Word on the purchasing website and were issued through Addendum No. 1. These forms are fillable forms only, meaning the document can't be changed but blanks can be filled in.

QUESTION #15

Will all the questions/clarifications asked by all Offerors and answers provided by the City be distributed to all Offerors? If so, how?

RESPONSE #15

Question/clarifications relevant to RFP part 1 will be available through addenda to everyone who was issued RFP Part 1.

QUESTION #16

Section 4.8 indicates: "The Contract is subject to the availability of funds". When does the City anticipate confirming the availability of funds? Based on the considerable investment that Offerors will need to make to pursue the project, it will be important to understanding the funding availability risks prior to the beginning of RFP Part 2.

RESPONSE #16

This is a standard clause in City and County of Honolulu contracts. It is expected that funds for the DB contract will be appropriated in the City's FY 2010 budget.

QUESTION #17

Section 8.2.1 (B); This section reads in part, "...The Offeror shows evidence that its organization...has complied with state licensing requirements,...." We request that this be revised to read "...can comply with .. "or "...will comply with..."

RESPONSE #17

We are unable to make this change. See Hawaii Administrative Rules Title 16, Chapter 77, §16-77-4 and §16-77-13.

QUESTION #18

Section 7.6.4 (B)(2): Please verify if Exhibit 6 is required for a joint venture and whether this form is to be included in the page count.

RESPONSE #18

Exhibit 6 is required for joint ventures that are partnerships or corporations. Exhibit 6 is included in the page count, but copy of the partnership agreement is not counted toward the page count limitation.

QUESTION #19

Section 7.6.8 (B)(1)(e): Information regarding liquid net assets has been requested. Please provide a clear definition of the City's definition of Liquid Net Assets.

RESPONSE #19

The City's definition of Liquid Net Assets is Liquid Assets minus current liabilities. A liquid asset is cash or an asset that can be converted into cash within a short period of time with nominal impact on the price received.

QUESTION #20

Section 7.5: Page Limitation – for double-sided forms provided by CCH (Preprinted information – i.e. Exhibit 11). Does this count as one page or two? Are pages larger than 8.5" x 11" counted as one page or two?

RESPONSE #20

The Qualifications Proposal will be limited to no more than 75 single-sided pages in Sections 1 through 5 of the Qualifications Proposal, in Times New Roman font, 12 point minimum, on 8-1/2" by 11" paper. Material not in Sections 1 through 5 that is larger than 8-1/2" by 11" shall be folded to that size.

QUESTION #21

Sections 7.6.8 (d), (e), (f): If Offeror demonstrates the minimum NET liquid assets of \$100 Million under Section 7.6.8 subsection (e), is subsection (d), "...letter of interest from one or more Guarantors or third party financial institutions" required? Are both subsections (d) and (e) required?

RESPONSE #21

Subsection (e) applies and is required. Subsections (d) and (f) apply in the event the Offeror does not meet minimum values in Table A (Liquid Net Assets of US \$100 Million or greater and Liquid Net Assets of Individual Principal Participant(s) in Offeror's Organization of US \$25 Million or greater).

QUESTION #22

The RFP requires the DB to construct an elevated portion of the west lead track into the MSF. Two maintenance and storage facilities (MSF) are shown on the EIS drawings, and referenced in the RFP. Which MSF location is included in this contract? If this has not been decided, when will the decision be made?

RESPONSE #22

This will be provided as part of RFP Part 2.

QUESTION #23

The RFP requires the DB to design and construct the portion of the substructure that will support the stations. However, the construction of the stations is not within the scope of work for the DB and will be done under a separate contract. When will information related to the station configuration and design criteria be available to the guideway DB contractor? Will the construction of the stations be concurrent with the guideway construction?

RESPONSE #23

This will be provided as part of RFP Part 2.

QUESTION #24

Will the City have any permits, from other owners and agencies, in hand by the final addendum? What permits are in hand at this time, or in process?

RESPONSE #24

This will be addressed in RFP Part 2.

QUESTION #25

The RFP is unclear with regards to Differing Site Conditions. Additionally, General Conditions Section 4.19(b) gives the parties the options to include HAR Section 3-125-11(1). Will HAR Section 3-125-11(1) be included in the Special Provisions? Will the mitigation and remediation of hazardous materials not shown on the plans be considered as extra work?

RESPONSE #25

This will be addressed in RFP Part 2.

QUESTION #26

Installation of track and special trackwork, and third rail traction power is required as a part of this contract. What vehicle technology will be utilized for the system? If the decision regarding vehicle technology has not yet been made, when will it be made? Will system performance criteria for the guideway be available to the guideway proposers prior to the submittal of technical and price proposals?

RESPONSE #26

The vehicle technology is steel wheel on steel rail. Systems performance criteria required of the design-builder will be provided in RFP Part 2.

QUESTION #27

Will the owner provide final alignments and profiles for design of the guideway structure, or will the DB contractor be responsible for the development of the final alignments and profiles?

RESPONSE #27

Alignments and profiles will be addressed in RFP part 2.

QUESTION #28

Will the proposals be made available for public inspection before the contract award is made?

RESPONSE #28

See Section 7.6 RFP Part 1.

QUESTION #29

What is the process and criteria for the City approval of all Subcontractors? Do subcontractors need to be approved in advance? What is the process and time line? Is the Offeror penalized in proposal scoring for having non approved subcontractors? Does this approval extend to all subconsultants?

RESPONSE #29

RFP Part 1 is for Qualifications. City approval of subcontractors is not required in RFP Part 1.

QUESTION #30

If a subconsultant was part of the PE/EIS Team, but had no role in preparing specifications or work statements for this DB solicitation, does this section create a conflict of interest?

RESPONSE #30

Firms should review HRS §103D-405(d) and HAR §3-122-13(e) and submit proposals they deem to be in compliance with these provisions.

QUESTION #31

If there are 5 submitters, but 3 selected for the priority list; if one withdraws will the City add to the priority list from one of the remaining two?

RESPONSE #31

No

QUESTION #32

Is RFI Phase 1 looking at just the organization structure or the qualifications of the people used to fill the organization?

RESPONSE #32

The objective of RFP Part 1 is to create a Priority List of the most highly qualified Offerors with the general (technical, financial, and management) capability, capacity and experience necessary to undertake the Work.

QUESTION #33

Regarding Section 7.6.8 (B)(1)(e): It seems this is a pass fail criteria—an Offeror either has the acceptable guaranties required or does not. Can you provide some examples or hypothetical of what points would be reduced for?

RESPONSE #33

The minimum Liquid Net Asset Level is identified in Section 7.6.8 (B) (1) (e) -- Table A. In the event that the Offeror does not meet minimum values in Table A, a written commitment from parent companies or third parties to provide guarantees of the Offeror's obligation may be used to satisfy such criteria. An Offeror that fails to meet the minimum Liquid Net Asset level and the absence of a Guarantor Commitment (see Exhibit 13) will be declared non-responsive (see Section 7.6.8 (B) (1) (e) third sentence). RFP Part 1 Section 8.2.1 (C) was amended in Addendum No. 2. Scores could be increased for Offerors with higher Liquid Net Assets.

QUESTION #34

Will the City consider a limitation of the maximum liability for the DB Contractor?

RESPONSE #34

There is no consideration at this time.

QUESTION #35

Section 6.14 (C): If a firm was hired to provide miscellaneous services, i.e. surveys, plans, are these services regarded as "developing or preparing specifications or work statements in the development of a solicitation package or any resulting contract?" It is not perceived that there is a conflict in being a part of one or more design-build teams. Please clarify the City's position on this.

RESPONSE #35

Firms should review HRS § 103D-405(d) and HAR § 3-122-13 (e) and participate in proposal they deem to be in compliance with these provisions.

QUESTION #36

Section 7.6.4 (B)(4) calls for the proposer to indicate in Exhibit 8 segmental design and construction experience, which presumably needs to be included in Section 1 of the proposal. Section 7.6.5 (B)(1) however calls for up to 15 projects (with information requested in Exhibit 8) to be included in Section 2 of the proposal. Are these requirements duplicative or does Section 1 require 5 projects on Exhibit 8 and Section 2 allow project descriptions of up to 15 projects in a format to be determined by the proposer?

RESPONSE #36

Section 7.6.4. (B) (4) instructs Offerors to indicate in Exhibit 8 segmental design and construction experience. Exhibit 8 is only to be included in Section 2 of the response (see Exhibit 2).

QUESTION #37

Section 9.20: In order to confirm that work can be completed by the completion goal, please describe what types of NTPs the City intends to issue for design build activities and how they would be timed.

RESPONSE #37

This will be addressed in RFP Part 2.

QUESTION #38

Exhibit 8: What is intended by the "Years of Experience" block in this exhibit? Is the proposer being asked to provide a breakdown of time spent on this project by the three categories?

RESPONSE #38

The Offeror is being asked for total years of experience in the various types of projects. It is not specific to the project being described on the page. The category of "Trackwork" was added to the classifications in Addendum No. 2.

QUESTION #39

Are engineering firms who are subcontractors to a design-build contractor conflicted from being a prime on the upcoming General Construction Management contract?

RESPONSE #39

The City would consider guidance contained in FTA Circular 4220.1F, Chapter VI, paragraph 2.a(4)(h) and the FTA Best Practices Procurement Manual should this situation occur.

QUESTION #40

Are engineering firms who are second tier subcontractors to a design-build contractor conflicted from being a prime on the upcoming General Construction Management contract?

RESPONSE #40

The City would consider guidance contained in FTA Circular 4220.1F, Chapter VI, paragraph 2.a(4)(h) and the FTA Best Practices Procurement Manual should this situation occur.

QUESTION #41

What is the plan for responding to questions? Will we have another opportunity to ask questions, if the responses require further clarification?

RESPONSE #41

Questions and responses relevant to RFP Part 1 will be issued in addenda. Inquiries received after February 25, 2009 will not be responded to unless the Chief Procurement Officer determines that it is in the best interest of the City to respond to any inquiry submitted after the deadline.

QUESTION #42

Section 4.6.2(B): "Guideway" states "Install track and special trackwork, including third rail traction power; however, the design and supply of trackwork will be under separate contract(s);"

Please clarify what equipment and materials that comprise "supply of trackwork" are to be separately procured, or is it intended, that all equipment and materials for trackwork including third rail will be procured separately?

Additionally, will the procurement(s) of these items be part of the "systems contractor," or will they be procured separate from the "systems contractor"?

RESPONSE #42

The questions relevant to the West Oahu/Farrington Highway Guideway Design-Build Contract will be in RFP Part 2. RFP Part 1, Section 4.6.2 (B) was amended in Addendum No. 2 to clarify that design of the trackwork is the responsibility of the Design-Builder. Only supply is by others. The procurement of the trackwork related items will not be by the systems contractor, but all specialty materials necessary for the installation of the track and special trackwork will be provided to the Design-Builder.

QUESTION #43

Section 4.5: DB Project Description, Page 8 last paragraph, states: "The DB Project will include installation of guideway lighting, miscellaneous electrical/mechanical wayside equipment, switch machines, etc."

Please clarify what is meant by/included in "miscellaneous electrical/mechanical wayside equipment."

This paragraph further states; "The track, turnouts and installation material (rail fasteners, insulators, coverboards, etc) would be procured under separate contract...."

Please clarify if the procurement(s) of these items will be part of the "systems package," or will they be procured separate from the "systems package"?

RESPONSE #43

The questions relevant to the West Oahu/Farrington Highway Guideway Design-Build Contract will be in RFP Part 2.

QUESTION #44

Section 4.3: Please identify "short-term needs" referenced in first sentence or confirm that these are the same as "City's goals" listed.

RESPONSE #44

It is expected that the selected Design-Build Contractor will address all phases of the project in accordance with the contract and industry standards to accomplish the City's goals for the DB Project.

QUESTION #45

Section 4.5: "The offeror may be permitted to propose an alternative configuration." Please identify the criteria under which an alternative may be permitted.

RESPONSE #45

This question will be addressed in RFP Part 2.

QUESTION #46

Section 6.3 (C): Please confirm responses to inquiries will be provided as part of the Final Addendum rather than "prior to Proposal Due Date."

RESPONSE #46

Both are correct. Responses to inquiries will be provided in addenda to be issued prior to RFP Part 1 Proposal Due Date, but not later than in the Final Addendum.

QUESTION #47

Section 7.6.2: Please expand on the anticipated extent of scope for QC engineering firm. This can range from monitoring / audition of DBC's Quality System to fully independent inspection of the Work to QC checking of the Designer's calculations.

RESPONSE #47

A definition for QC Engineering firm was provided in Addendum No. 2, Item 1.

QUESTION #48

Section 4.6.2 (D): Substructure for station platforms will be constructed as part of DB project. Please verify if DB team will design or review said structural elements. Are design and construction interfaces established?

RESPONSE #48

It is expected that the Design-Builder will be responsible for design and construction of the substructure of the station platforms (see Sec 4.6 and 4.6.2. (D)) in accordance with the Design-Build Contract. Interfaces with other contractors and agencies will be addressed in RFP Part 2.

QUESTION #49

Section 4.6.2 (B): Please confirm trackwork design is part of DB scope, as indicated during the pre-proposal conference on February 18, 2009.

RESPONSE #49

This question was addressed in Addendum No. 2, Item No. 4.

QUESTION #50

Section 4.6.1 (B): What permits have been identified to date and what level of coordination / pre permit coordination has occurred, if any?

RESPONSE #50

Permit requirements will be addressed in RFP Part 2.

QUESTION #51

Section 4.6.1 (F): It appears construction monitoring for cultural resources will be required. Will the monitoring be performed as part of the DB team, or will City perform monitoring?

RESPONSE #51

The requirements will be addressed in RFP Part 2.

QUESTION #52

Section 4.6.3 (H): What will the process be for approval of aesthetic treatments? Are there aesthetic guidelines / expectation approved by the City and DOT?

RESPONSE #52

The requirements will be addressed in RFP Part 2.

QUESTION #53

If additional space is needed for Exhibit 10, can an attached page be used referring to the heading in lieu of repeating the form since the form cannot be expanded?

RESPONSE #53

Additional copies of Exhibit 10 may be used if more rows are needed to identify applicable events. Exhibit 10 with fillable sections is available on the purchasing website. The sections in which information are entered expand to accommodate comments or explanations.

QUESTION #54

Does Exhibit 10 apply to the projects in Exhibit 8 or all projects? How far back do we need to show? Last 5 years?

RESPONSE #54

Exhibit 10 stands alone and should show the last 5 years. Awards, Citations and/or Commendations deemed appropriate by an Offeror should be included. Identify all material occurrences regarding; Contract Claims, Dispute Proceedings, Litigation and Arbitration, Liquidated Damages, Termination for Cause or Default and/or Disciplinary Action, Fines and/or Penalties.

QUESTION #55

Section 5: Financial Capacity is included in the 75-page limit according to Section No. 7.5. The criteria in Section No. 7.6.8 requires a substantial number of pages be included in Section 5 of the submittal. Will the City remove this section from the page count since a full accounting adversely affects teams with multiple members or teams with detailed statement?

RESPONSE #55

See Addendum No. 2, Items No.9 and 10 which exclude financial statements and annual reports from the page count limitation.

ITEM NO. 2 – PRE-PROPOSAL CONFERENCE

The Pre-Proposal Conference presentation held on February 18, 2009, is available for download on the Purchasing website located at www.honolulu.gov/pur.

ITEM NO. 3 – EXHIBITS 4, 6 and 8

Fillable Exhibits 4, 6 and 8, which were revised in Addendum No. 2, are available for download as part of this addendum.

ITEM NO. 4 - SECTION 6.10, LICENSING

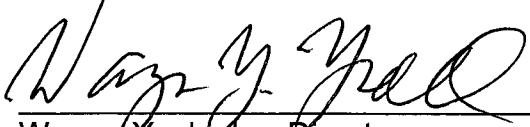
Delete in its entirety and replace with the following:

"All Persons participating in this procurement and/or the Contract must obtain all licenses and permits and take all necessary steps to conduct business in the State of Hawai'i and perform the Work required under the Contract, including proposing in accordance with HAR Section 16-77-4, and carrying out contracts consistent with the laws of the State of Hawai'i. Offerors must be properly licensed and capable of performing the Work as described in the RFP, including but not limited to an "A" general engineering contractor license. Out-of-state contractors shall comply with HAR Section 16-77-89, requiring a place of business in the State."

ITEM NO. 5 – PRECLUSION OF CONTRACTOR FROM PARTICIPATION UNDER HRS 103D-405(d) AND HAR 3-122-13(e)

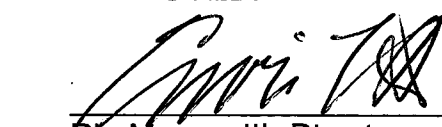
See ATTACHMENT A.

APPROVED:


Wayne Yoshioka, Director
Department of Transportation Services

Attachs.

APPROVED:


Rix Maurer III, Director
Department of Budget and Fiscal Services

Considerations Regarding Contractor's Participation under Hawaii Revised Statutes
Section 103D-405(d) and Hawaii Administrative Rules Section 3-122-13(e)

The following is a discussion by the City of Hawaii Revised Statutes (HRS), Section 103D-405(d) and Hawaii Administrative Rules (HAR), Section 3-122-13(e), for design-build solicitations for the Honolulu High-Capacity Transit Corridor Project.

HRS Section 103D-405(d) provides:

Outside contractors may be utilized to prepare specifications and work statements in the development of a solicitation. Contractors paid for those services shall be precluded from bidding on or receiving a contract when they participated in any way in the development of the solicitation package or any resulting contract.

HAR Section 3-122-13(e) provides:

A contractor paid for services to develop or prepare specifications or work statements shall be precluded from submitting an offer or receiving a contract for that particular solicitation.

Section 6.14(C) of the RFP No. RFP-DTS-0900015 for West O'ahu/Farrington Highway Guideway Design-Build Contract provides:

A contractor (at any tier) who is paid for developing or preparing specifications or work statements in the development of a solicitation package or any resulting contract is precluded from submitting an offer or receiving a contract for that particular solicitation.

The questions and answers, as follows, are provided as general examples only and may not necessarily apply to specific contracts. The particular circumstances pertaining to specific contracts may need to be considered in determining whether a contractor is precluded from participation.

Question #1: What if all I did was collect data, such as geotechnical or survey data? Does that fall into the definition of specifications?

Response: Depending on how the data collection is used, it is possible that mere data collection may not be considered a part of the development of specifications. Factors which may be considered include whether the data was provided without subjective evaluation or recommendations, whether the data is made available to all the offerors, and whether the data collection results in an advantage to the contractor who performed the work and to the disadvantage of other contractors.

Question #2: What if I only did one traffic signal plan that is used in the specifications?

Response: You would likely be precluded from submitting an offer or receiving a contract for the solicitation under HRS Section 103D-405(d) and HAR Section 3-122-13(e).

Question #3: If I did engineering work on the West Oahu/Farrington Highway (WOFH) segment, can I be involved in the WOFH Design-Build Contract? Engineering information will be used in preparing the RFP for the WOFH Design-Build Contract.

Response: You would likely be precluded under HRS Section 103D-405(d) and HAR Section 3-122-13(e) from submitting an offer or receiving a contract for the WOFH Design-Build work.

Question #4: What if I only prepared drawings used in a contract solicitation and did not work on “specifications” or “work statements”? Am I eligible to bid?

Response: You would likely be precluded under HRS Section 103D-405(d) and HAR Section 3-122-13(e) from submitting an offer or receiving a contract for the solicitation using the drawings you prepared.

Question #5: What if I only performed other services such as development of the cost estimates for a solicitation, but did not develop or prepare the specifications or work statements? Am I eligible to bid?

Response: Depending on how the cost estimates are used, you may not be precluded under HRS Section 103D-405(d) and HAR Section 3-122-13(e). Factors which may be considered include whether your work would result in an unfair competitive advantage for a future solicitation or would reasonably be deemed to impair your objectivity in performing your current work in anticipating of potential future work.

Question #6: What if I worked on the entire project, but not on any particular solicitation? My work product might be used in an individual solicitation, but I would not have worked directly on the work statement or specifications for any particular solicitation. Am I eligible to bid?

Response: Depending on the facts of the case, you may be precluded under HRS Section 103D-405(d) and HAR 3-122-13(e) from submitting an offer or receiving a contract for the solicitation using your work product.

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

ADDENDUM NO. 5

TO THE

REQUEST FOR PROPOSALS

FOR THE

HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT
WEST O'AHU/FARRINGTON HIGHWAY GUIDEWAY DESIGN-BUILD CONTRACT
REQUEST FOR PROPOSAL NO. RFP-DTS-0900015

ISSUED: March 9, 2009

NOTICE TO ALL PROSPECTIVE OFFERORS

This Addendum is hereby made a part of the Request for Proposals for HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT WEST O'AHU/FARRINGTON HIGHWAY GUIDEWAY DESIGN-BUILD CONTRACT, and it shall amend the said Request for Proposals in the following respects.

ITEM NO. 1 – SECTION 6.2. PROCUREMENT TIMETABLE

Delete in its entirety and replace with the following:

Activity	Month	Day	Year
Issue RFP Part 1	Feb	4	2009
Pre-Proposal Conference	Feb	18	2009
Deadline for Receipt of Clarification Requests	Feb	25	2009
Final Addendum	Mar	9	2009
Qualifications Proposals Due Date	Mar	13	2009
Issue RFP Part 2	Apr	3	2009
Pre-Proposal Conference	Apr	30	2009
Deadline for Receipt of Clarification Requests	Jun	26	2009
Final Addendum	Jul	10	2009
Technical and Price Proposals Due Date	Jul	31	2009
Award of Contract (Tentative)	Sept	25	2009

The Final Addendum date has been revised from March 3, 2009 to March 9, 2009 to address clarification requests that were received prior to the February 25, 2009 deadline.

ITEM NO. 2 – QUESTIONS AND ANSWERS

The following questions were received from prospective offerors, the City's response follows:

QUESTION #1

Section 7.6.8 (B)(d) requires a letter of interest from one or more Guarantors or third party financial institutions indicating the Offeror's capacity to obtain financing to cover costs incurred. The Offeror (a limited liability company) is not planning to obtain financing for this project. Are we still required to submit a letter of interest from one or more of the parent company guarantors of the members? If so, what does the letter need to say? Does the letter need to identify a specific source of funds?

RESPONSE #1

Subsection d and f apply only in the event an Offeror does not meet minimum values in Table A (Liquid Net Assets of US \$100 Million or greater and Liquid Net Assets of Individual Principal Participant(s) in Offeror's Organization of US \$25 Million or greater). Exhibit 13, if required, is the Guarantor Commitment and does not refer to a source of funds.

QUESTION #2

Section 7.6.8 (B)(e) requires the Offeror to provide information of the liquid net assets of each Principal Participant and any Guarantor. If a member of the Offeror has sufficient liquid net assets (minimum \$25 million) and the aggregate members have sufficient liquid net assets (\$100 million), does the Offeror still have to submit parent company guarantees?

If one member has sufficient liquid net assets, but other members do not, do only the members with insufficient liquid net assets have to submit a parent company guarantee?

RESPONSE #2

Table A in Section 7.6.8 (B)(e) identifies the amount of Liquid Net Assets required by the Offeror (sum of all Principal Participants in Offeror's Organization) and the amount of Liquid Net Assets each individual Principal Participant(s) in Offeror's Organization. Both criteria in Table A must be met. In the event the Offeror does not meet the minimum values in Table A, a written commitment that makes up the difference from a parent company, if applicable, or a third party may be used to satisfy such criteria. Exhibit 13 applies if Guarantor(s) is required. Exhibit 12 is required for each Guarantor. In the event that a Principal Participant does not meet the minimum values in Table A, only that Principal Participant needs to obtain a parent company or third party Guarantor.

QUESTION #3

Does the notarizing need to be done by a Hawaii notary, or will a notary from other states be acceptable?

RESPONSE #3

All notaries duly authorized are acceptable.

QUESTION #4

Will the funding be fully in place when the contract is awarded?

RESPONSE #4

It is expected that funds for the DB contract will be appropriated in the City's FY 2010 budget.

QUESTION #5

Will an Offeror that is in the process of obtaining its Class A license during the procurement period still be considered responsive as long as it has the required license before the award of the contract?

RESPONSE #5

An Offeror that does not have required licenses at the time the Proposals are due will be considered non-responsive. See Section 8.2.1 (B). Also see Hawaii Administrative Rules Title 16, Chapter 77, §16-77-4.

QUESTION #6

Exhibit 7, Page 1, Item 5 states: list on a separate page up to five financial institutions...: In the electronic version released with Addendum 1, there are spaces below this question. If a firm has only one banking reference, and the information fits on the lines provided, is it still necessary to submit this information on a separate page?

RESPONSE #6

No. Use separate page(s) as required to provide the required information.

QUESTION #7

Exhibit 8, third row requests "Years of experience: Roads, Bridges/structures, Utility Relocation. What does this pertain to, the project identified below, or as a total for the firm identified?

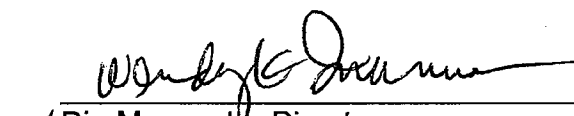
RESPONSE #7

The Offeror is being asked for total years experience in the various types of projects. It is not specific to the project being described on the page. The category of "Trackwork" was added to the classifications in Addendum 2, Item No. 14.

APPROVED:


Wayne Y. Yoshioka, Director
Department of Transportation Services

APPROVED:


Rix Maurer III, Director
Department of Budget and Fiscal Services

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

ADDENDUM NO. 6

TO THE

REQUEST FOR PROPOSALS

FOR THE

HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT
WEST O'AHU/FARRINGTON HIGHWAY GUIDEWAY DESIGN-BUILD CONTRACT
REQUEST FOR PROPOSAL NO. RFP-DTS-0900015

ISSUED: MAR 31 2009

NOTICE TO ALL OFFERORS

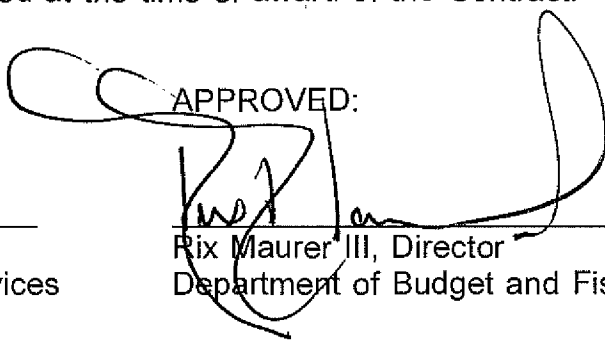
This Addendum is hereby made a part of the Request for Proposals for HONOLULU HIGH-CAPACITY TRANSIT CORRIDOR PROJECT WEST O'AHU/FARRINGTON HIGHWAY GUIDEWAY DESIGN-BUILD CONTRACT, and it shall amend the said Request for Proposals in the following respects.

All Offerors who have submitted Proposals by the Qualifications Proposals Due Date have been deemed responsive for purposes of the Responsive/Non-Responsive Criteria set forth in Section 8.2.1 and shall be deemed eligible for consideration for the Priority List. The Organizational Criteria in Section 8.2.1(B) and the Bonding and Liquid Net Assets Criteria in Section 8.2.1(C) shall be determined at the time of award of the Contract.

APPROVED:


Wayne Y. Yoshimoka, Director
Department of Transportation Services

APPROVED:


Rix Maurer III, Director
Department of Budget and Fiscal Services